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OUR

PRESENT GAOL SYSTEM

DEEPLY DEPRAVING

TO

THE PRISONER

AND

A POSITIVE EVIL TO THE COMMUNITY.

SOME REMEDIES PROPOSED.

BY JOSEPH ADSHEAD,

AUTHOR OF "PRISONS AND PRISONERS," &c.

"THE MORE A NATION ADVANCES IN CIVILIZATION AND PENOLOGICAL KNOWLEDGE, THE MORE IT STRIVES TO DEVELOP ITS PRISON SYSTEM ACCORDING TO EXPERIENCE, JUSTICE, AND HUMANITY."

LIEBER.

"MUCH STILL UNTOUCHED REMAINS,
MUCH IS THE PATRIOT'S WEEDING HAND REQUIRED."

COWPER.

M.DCCC.XLVII.

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THEORY OF THE EARTH

BY J. H. VAN DIJK

1514

622
This Essay, upon the de-
-praving tendency of our
present Gaol system on the
Imprisoned, and its positive
evils to the Community,
with some remedies, pro-
-posed, is, with an ardent
desire to awaken due
and immediate atten-
tion, presented to the
Members of the Legis-
lature, with profound
respect,
By J^{rs} A. H. C. A. G.

Manchester
Feb^y 12. 1847





INTRODUCTION.

It is an interesting feature in connection with the treatment of criminals, that with the legislature, and also the public at large, there is evidently a growing concern evinced for the reformation of our penal code *in its disciplinary application*, and although the writer of the ensuing pages dares not presume to imagine that he has solved the problem of the proper treatment of offenders, he has nevertheless ventured briefly and consecutively to review the various modes of punishment which have been adopted in our gaols; to give the result of his own deliberate conviction, deduced from extensive and continuous observation of the proceedings in this and other countries towards that portion of fallen humanity requiring legislative interposition, and to offer suggestions as to some of the remedies for the eradication of the evils to which they have been exposed.

It will be observed that *the gaol association* of criminals is stated to be *a cardinal evil*, and that *their separate confinement* is maintained to be *a fundamental corrective*; and examples are supplied of its successful application. There exists, however, a diversity of opinion with regard to *the term* for which individual imprisonment should be applied; but, if it be admitted that as a mode of treatment it is *sound in principle*, the necessity and importance will be acknowledged of *adapting it to uniform and general practice*.

Our penal administration has respect to two classes of commitments—summary convictions; and convictions at assizes and sessions.

These include the large number of prisoners who are brought under the action of the law in our gaols, bridewells, and houses of correction.

By a reference to the following tables, the periods of confinement *after trial*, under the two classes of convictions adverted to, will be noted :—

Summary Convictions.

For 5 years—1839 to 1843, inclusive.

	<i>Numbers.</i>		<i>General per centum Average.</i>		<i>Annual per centum.</i>
Under 14 days.....	67,351	—	20·59	—	4·12
14 days and under 1 month	79,058	—	24·17	—	4·83
1 month „ 2 months	107,155	—	32·78	—	6·56
2 months „ 3 „	36,410	—	11·12	—	2·22
3 months „ 6 „	32,342	—	9·89	—	1·98
6 months „ 1 year...	3,917	—	1·19	—	0·24
1 year „ 2 years..	699	—	0·24	—	0·5
2 years and upwards.....	22	—	0·007	—	0·001

Convicted at Assizes and Sessions.

For 5 years—1839 to 1843, inclusive.

	<i>Numbers.</i>		<i>General per centum Average.</i>		<i>Annual per centum.</i>
Under 14 days.....	4,822	—	6·12	—	1·22
14 days and under 1 month	5,262	—	6·67	—	1·33
1 month „ 2 months	11,511	—	14·60	—	2·92
2 months „ 3 „	8,992	—	11·40	—	2·28
3 „ „ 6 „	21,530	—	27·28	—	5·45
6 „ „ 1 year...	17,450	—	22·13	—	4·42
1 year „ 2 years..	8,025	—	10·18	—	2·03
2 years „ 3 „	1,152	—	1·46	—	0·29
3 „ and upwards.....	99*	—	0·125	—	0·02

It will be thus seen, that the larger proportion of committals under summary convictions is from 1 to 2 months, or 6·58 per centum

* Of this number, 55 persons were confined in 1840 during the disturbed state of the country. In 1843, there were only 4 prisoners confined for this lengthened sentence.

upon the annual aggregate, and the larger ratio of committals at assizes and sessions presents the largest estimate from 3 months and under 6 months, or 5·45, and the next in numbers is from 6 months to 1 year, or 4·42; and although a very small per centage of summary convictions is shown as confined 2 years and upwards, and of convictions at assizes and sessions for 3 years and upwards, there need be no hesitation in asserting, that if *experience* is to be the guide in this branch of penal administration, with the *diminished periods of confinement* which may be applied under the separate system, to inflict *fully the same amount of punishment*, in comparison with the associated mode of confinement, individual imprisonment *may with confidence be adopted* in all our penal institutions; it being considered, by those who have observed much upon the subject of penal treatment, that a given period of imprisonment *under the separate system is as punitive as double the time* under what is termed the *classification or associated system*, whilst *pecuniary* advantages would be derived by the State through a considerable saving in “maintenance,” and moral benefit, both to the imprisoned and to the community, by its prevalence in our gaols.

On these, and on other grounds, which are adverted to in the following essay, the separate system of imprisonment, with employment, exercise, and moral and religious instruction, is strongly commended for “*general application*” in connection with the discipline of our prisons.

The condition of our gaols, their discipline, and the variety of character on which they act, are entitled to the most serious consideration. They involve a question in which the moralist and the philosopher are in no ordinary degree concerned. Could but the sympathy of the teachers of our religion be enlisted, and the legislative regard of our statesmen be engaged in the cause, much might be accomplished. There would be found, amongst the tens of thousands that annually populate our prisons, a manifold commixture of characters, the treatment of whom most decidedly indicates a species of inhumanity, if not of cruelty, in the application of our laws—characters, the subjects of destitution

and neglect, to whom should have been extended other influences *than those* which have consigned them to *penal* institutions.

Who can pass through the numerous departments of our gaols without being struck with the dreadfully depraving commingling which exists among the imprisoned, and whilst, in the following essay, attention is directed more particularly to *governing principles* than to amplified details, there are various other questions collaterally identified with penal treatment, to which copious reference might have been made. There could have been more particular and lengthened allusion to the application of our criminal laws: to JUVENILE OFFENDERS, and the manner in which they are found associated in our gaols, and the cogent necessity for legislative interference with regard to the enforcement of the law and the discipline to which such offenders are subjected.

The writer is of opinion that the treatment of juvenile offenders should be distinct in its nature and also apart in its administration from that of adult criminals—that institutions should be established for what may be termed *correctional industrial education*, which should include agricultural and trades occupations—a regime peculiarly adapted to *age, circumstance, and future destination*—and combine, at the same time, a discipline in its tendency *sufficiently penal* in its operation to *deter*, by endurance and by example, from the commission of crime, whilst *the reformation* of the culprit should be *the ultimate object*.

A field of benevolence is also opened for the formation of *preventive institutions* that shall include within the sphere of their action *the protection* of the destitute, the neglected, and the outcast, who infest our large towns and cities, the ready prey of every temptation, and of whom our penal institutions are the constant recipients.

It is earnestly hoped that ere long the legislature will sanction, by its enactments, suitable depositories for such, and that provision will also be made for THE DISCHARGED CONVICT, so that, if willing to

return to honest industry, he may not be compelled, either from want or destitution, to recur to a course of crime.

It will be remarked that great stress is laid upon the importance of proper constructional arrangement as inseparably identified with *efficient discipline*; for, as Sir G. O. Paul has observed :—

“ It cannot be denied that the construction and police of prisons should be consonant to the spirit of that law for the fulfilment of whose purposes they are constructed, and that they should offer the means of dispensing with all possible precision the portion of sentence which the law prescribes. Discrimination of offence and punishment is so essential a principle of English legislation, that it sacrifices to it much of that simplicity and conciseness which would otherwise add to the perfection of its system.”

Boileau has appositely remarked, that “ it is generally the trouble the author has taken in finishing his productions which frees the reader from trouble in perusing them ;” and had the writer of the following pages had more time at his disposal, he might probably have presented the subject in a more striking form ; he can, however, most emphatically declare, that in the ensuing essay, hastily prepared, and in the midst of much interruption, it has not been his aim *merely to please*, but *to convince*, and that he has endeavoured to satisfy the mind and judgment of the reader, whilst attempting to advocate those principles in which society is deeply interested.

ERRATA.

Page 62 line 16—For Metray read Mettray.

Page 70, Note, line 10—For soldiers read holders.



OUR PRESENT GAOL SYSTEM DEEPLY DEPRAVING TO THE PRISONER, &c.

THE Parliamentary Session of 1847 has been looked forward to with high expectation as one in which topics of great social importance would engage the legislative concern.

In the course of the last thirty years, there has appeared to be no period more favourable for directing a calm and deliberate attention to questions of internal and domestic policy. During the last session, the public mind was occupied and absorbed by matters of great commercial consequence, and when there was an endeavour to enlist a share of sympathy in favour of pressing social requirements, it was urged that but little attention would be given to them whilst that which was of such stirring and exciting interest engaged the popular regard.

The attention of the legislature is at present engaged with affairs of the most anxious moment in relation to the suffering condition of our sister country ; such affairs, however, it is hoped, are in the course of adjustment, by the enactment of measures of intended relief, and when they shall have received final approval, it may be expected that the arena will be comparatively clear for the reception of those considerations which have particular respect to other vital points of domestic economy which have long had pressing claims upon our solicitude.

The friends of progressive improvement are now taking their stand for the promotion of an enlightened and comprehensive scheme of education for the people, and are urging their high claims to legislative sanction upon that subject, as lying at the very foundation of the social, moral, and religious elevation of a civilized community.

Another class of benefactors, possessing a kindred feeling for the

general welfare of society, with a view of improving the physical condition and habits of the people, are propounding their plans for the sanitary improvement of the masses of our teeming population, and an important place is taken by them in the ranks of public usefulness.

There is, however, amidst these various topics of high interest, one question which claims and demands to occupy *its* station in public and legislative regard; we refer to the long neglected, but comparatively little heeded, condition of our gaols—institutions existing among a civilized and professedly Christian community, the discipline of which, although sanctioned by law, is at variance with its intentions, and, instead of being corrective and reformatory, is deeply depraving to the Offender, and a positive injury to Society. This we propose to prove in the following pages, whilst there will, also, be brought under notice some salutary remedies.

In endeavouring to promote improvement in the application of punishment to the subjects of penal law, it is needless, at the present period, to show its high importance as it bears upon the social condition of civilized communities. In respect to its importance all governments and states must fully concur. A brief historical review of the question would show the profound attention which it has received from intellects of the highest order, and the vast expenditure of enlightened philanthropy which has been brought to bear in devising the best means for the salutary application of infliction, with a view of accomplishing the true and legitimate intentions of all penal treatment, viz., the reformation of the offender, and the determent of others from the commission of crime. To obtain these essential social benefits various means have been employed and many theories promulgated, and although much has been done by legislation in the framing of laws intended especially to apportion the amount of punishment to the nature of the offence committed, the Statute Books of several countries have exhibited an accumulation of penalties which has rendered punishment difficult of application, with that consistency which the established laws required. These incongruities or anomalies have been sought to be remedied by *consolidation*; and thus has there been an endeavour to simplify the application of the penalties of the law according to the nature and aggravation of the offence.

The work of consolidation has received a large share of legislative consideration in England, and it is well known by those who have paid any attention to the subject, that amongst the promoters of penal reform in this new branch of the question, Sir Robert Peel, twenty years ago, stood pre-eminent.

That distinguished statesman, in a speech to the British House of Commons, when referring to the high claim which the subject of penal treatment had to legislative consideration, forcibly remarks :—“To many, I fear, this subject may appear barren and uninviting ; it can borrow no excitement from political feeling, nor can it awaken the hopes and fears of conflicting parties, but it involves higher interests ; it concerns the security of property, the prevention of crime, the moral habits of the people, and it prefers, therefore, a just and imperative demand on the serious attention of Parliament.” Such were the feelings and sentiments enunciated by Sir Robert Peel, when endeavouring to excite a deep interest in the measure which was then to be brought before the legislature.

But whilst the great importance of the consolidation of penal law will be most readily admitted, the strong necessity for *the proper application* of that law must as certainly be maintained. The profoundest wisdom may be displayed in the framing of just and salutary laws for the prevention and for the punishment of crime, and the statesman may consider that when the law is enacted and placed in the Statute Book, that the gaoler, the executive authority, has only to do his duty as to safe custody, and the end of legislation is attained. I venture, however, to assert, without desiring for a moment to detract from the high attributes of sound legislation in penal law, that work equally important remains yet to be accomplished, in order to answer its just intentions ; viz.—a salutary and reformatory application, *with a due regard to the various agencies and influences which should be employed for that end.*

The compounds of a medicine may be a specific for the disease to be treated, but if in its administration there be no regard to quantity or nature of application, the practitioner may find that he has killed instead of cured his patient. To transfer the simile in a penological view, will it not be admitted by every jurist, that by an im-

proper application of the laws, results may be both morally and physically fatal? The past penal history of all countries justifies the comparison, and it must be a matter of astonishment to every feeling and reflecting mind, that with respect to the moral renovation of our prisons in connection with a sound system of discipline, so little, comparatively, has been done, and that so little, comparatively, is understood, even at the present time, of the very fundamental principles of a sound and salutary application of penal law. We appear to be but just emerging into the broad day-light of truth upon this momentous subject, and to guide us in our judgment and decisions, we shall find even the errors and failures of those who have preceded us in their labours in this cause, to be attended with advantages,—from them we may learn, in some measure, what to avoid and what to adopt.

When treating upon Prison Discipline, we imperceptibly revert to the days of Howard, as a starting point in penal history. Howard (who may be justly termed the world's philanthropist, who gave himself as the common property of humanity) disclosed evils long hidden and long endured—evils, the existence of which appeared almost incredible. Criminals at that period were generally considered without the pale of common sympathy, their punishments were sanguinary and vindictive; and although some nations, more than others, were certainly characterized by a nearer approximation to the barbarous in their modes of infliction, yet even the most civilized countries could not be said to be entirely free from the charge of disregard to the very first principles of penal science in the treatment of their offending subjects.

The prison records of Howard, as observed, brought to light abounding evils. The sufferings of prisoners, however, through his benevolent intervention, were meliorated, and extensive abuses were in some degree corrected. The attention of the British Legislature was also excited to inquiry, and something was done in England, which affected only the surface of the moral malady, though some palliatives were applied.

In taking a hasty glance from the days of Howard to the present period, whilst we see much that is humiliating, we also perceive much that is fraught with deep interest, for in the efforts which have

been made and the labours which have been bestowed upon the question of penal treatment for upwards of seventy years, there may be traced the genuine spirit of philanthropy. It is a question which has not occupied the attention of the many; only here and there have been found some sympathizing spirits whom the sighing of the captive could reach; these have entered the deepest recesses of the dungeon's gloom, and felt that a prisoner, although a prisoner, was a man, and not altogether cut off from the common charities of his species.

In civilized Europe, and also in America, gaols were distinguished by an uniformity in their moral maladies:—association, contamination, and moral death were the all-pervading concomitants. In every country, as the evils of the discipline maintained were similar, the results were also correspondent. The penal institutions of the civilized world contained an assemblage of moral pestilence; the very depositories for the infliction of punishment in their constitutional arrangements, combined with the disregard of those to whom their management was assigned, contributed largely to the increase of the enormous evils to which we refer.

What were, then, the remedies suggested for the purpose of abolishing the debasing association of debtor and felon—of the novitiate and experienced offender—of male and female? Howard endeavoured to advance the work of réform by proposing an improvement in prison construction. “Many county gaols and other prisons,” he remarks, “are so decayed and ruinous, or for other reasons so totally unfit for the purpose, that new ones must be built in their stead.” This leads me, at once, to declare, as *an infallible principle* in penological science, that prison construction and sound discipline *are inseparably connected*. Without proper construction there can be no salutary discipline; it lies at the very foundation of the fabric of all prison reform. The truth of this assertion will be manifest from the connection which has been uniformly maintained between the modes of discipline which have been advocated, and the construction of the prisons in which that discipline was to be carried out.

Thus we find that Howard, when he published his views of penal action, submitted, also, a plan for a gaol which he considered would

meet the existing evils, and without entering into the general details of construction, he proposed to commence his disciplinary arrangements by a kind of classified separation, which, *at that period*, was considered a great improvement in prison management, and which may be thus briefly described :—

First—Debtors and criminals were to be separated.

Secondly—Separate court-yards and day wards were to be provided for the sexes.

Thirdly—A court and a day ward were to be provided for young criminals.

This was the separation, and such was the classification, proposed by Howard as an antidote for the evils then found in our gaols.

With regard either to prison construction, or penal treatment, it would appear almost presumptuous to question the views of such a man as Howard, of one who devoted himself so thoroughly to the cause of humanity and the melioration of the prisoner's condition. It would, also, be unreasonable to expect that, amidst such an accumulation of moral evil, perfection in prison construction, or prison discipline, could at once be attained. Nevertheless, a kind of separation was by that excellent man considered essential ; he remarks,—“ If it be difficult to prevent the prisoners being together in the day time, they should by all means be separated at night.” This partial isolation, however, still permitted opportunities for unrestricted association in the court-yard and in the day rooms, and those places of assemblage are universally considered, by such as understand the economy of a gaol, to be *the very concentration of all that is vitiating and corrupting*.

Whilst Howard, therefore, was entitled to the world's gratitude, experience has most convincingly proved, that his plans for prison construction and prison management would not receive acceptance at the present period.

In taking a rapid notice of prison construction, intimately identified as it is with an improved mode of prison discipline, it is quite impossible to detail, at length, the efforts of all those who have

been engaged, in England, in the laudable work of penal reform ; there are, however, two names to which, in justice to their zeal and philanthropy, a passing reference should be made ; they are, Paul and Neild ; the former was cotemporaneous with Howard, and whilst that distinguished philanthropist meliorated, so extensively, the physical suffering of the prisoner, Sir G. O. Paul, with a clearness of perception as to the elements of a sound system of treatment, greatly advanced, in the county of Gloucester, an improved mode of discipline which had also a beneficial influence, to some extent, upon other counties in the united kingdom.

The labours of Howard, and the zeal of Paul, were followed, about twenty years afterwards, by the benevolent efforts of Neild. It is remarkable, that but little, comparatively, had been done to correct the morally destructive consequences of *gaol association* which prevailed in the time of Howard. A somewhat more diversified classification had been adopted, but the result of Mr. Neild's examination of the prisons throughout England, as published in 1812, most clearly indicated that no extensive improvements had been effected, notwithstanding all the disclosures which had been made by Howard several years before. Mr. Neild observes :—"With respect to Bridewells and Houses of Correction, however, my labours have been great and unwearied, and the fruit of my experience may be summed up in a few words :—If such places as I have above mentioned are to be continued as the receptacles of criminals, if those convicts are to have constant communication with young offenders whose misdeeds are comparatively light, and for the chastisement of which, and the prevention of greater ones, Bridewells and Houses of Correction were originally and solely designed, if also, offenders consigned to such abodes are not classified and separated according to the nature and degree of their transgressions, and lastly, if no religious attentions are paid to them, as in too many instances is frequently the case, then vice and corruption must increase their malignity through the sanction of neglect ; Bridewells and Houses of Correction must become the surest nurseries for our gaols, and the melancholy list of executions will be swelled to a degree of horror tenfold more shocking than humanity has at present to deplore." Thus, it must be remarked, whilst individual exertion, up to this period, was directed to expose the enormities of our prison system, the legislature was providing *no salutary antidote*.

In only touching upon the subject of Prison Discipline as it subsequently engaged both legislative and philanthropic attention, it is remarkable to observe how these went hand in hand, and united to establish *a most decided fallacy* in penal treatment—Classification; a principle, which fact and experience have proved to be utterly futile.

Amidst the extensively abounding evils of our prison system which prevailed about thirty years ago, an important association was formed in London for the purpose of endeavouring to correct the moral maladies of our prison houses. This association, sanctioned by the most eminent philanthropists of the day, commenced its work of penal reform;—GAOL ASSOCIATION, GAOL CONTAMINATION, were then looked upon as the great evils of our gaol system, and CLASSIFICATION was to be adopted as the grand panacea.

The London Prison Discipline Society, in one of their early reports, offer the following remarks:—"On the important subject of classification, employment, and inspection, much labour has been bestowed," and the Society thus forcibly declare their views:—"The first of these (Classification), *is so indispensable* a part of a beneficial system of management, *that no hope of improvement or reformation can be entertained unless it be vigilantly enforced*;" and four years afterwards, the following observations are offered by the association adverted to with regard to the governing or fundamental principles in Prison Discipline:—"Moral contamination may be prevented *by classification* and inspection; reformation of character may be essentially promoted by religious instruction; and these measures combined are well calculated to inspire the dread, correct the habits, enlighten the mind, and reclaim the heart of the offender."

To further such views, prison plans were recommended for adoption, by which a classified system of discipline might be enforced, it being justly considered that prison construction was intimately connected with a satisfactory carrying out of the principles of penal treatment maintained. Various gaol departments were to be provided for the different classifications of prisoners, according to *age, character, or degrees of guilt*; and these subdivisions were to be multiplied according to necessity or circumstance. Such were the means proposed by *a well-intentioned philanthropy*.

Legislative enactment gave its high sanction to the principles commented upon in the preceding remarks, and in 5th Geo. IV. cap. 85, (amended Act,) the necessity of Classification is imperatively continued to be maintained, for the accomplishment of that which was intended to be a sound system of Prison Discipline.

In the 10th section of the above amended Act the following provision is made:—"And, whereas, in some counties and places to which the above recited Act extends, by reason of the small number of prisoners usually confined therein, it may not be necessary to provide the whole number of wards and airing grounds thereby required, *but it is necessary to provide that in all prisons some certain means of Classification should be secured.*" It was also enacted, that:—

IN GAOLS the male prisoners should be divided into five classes:—

First—Debtors and persons committed for contempt of court in civil process.

Second and Third—Prisoners convicted, who may be put in either of these classes, as to the visiting magistrates may seem meet—reference being had *to the character and conduct* of the prisoners, and *the nature of their offence.*

Fourth and Fifth—Prisoners committed for trial, who may be put in either of these classes, as to the visiting magistrates may seem meet—reference being had, in like manner, *to the character and conduct* of the prisoners, and *the nature of their offence.*

The female prisoners shall be divided at least into three classes.

IN HOUSES OF CORRECTION there were to be five classes:—

Two classes for prisoners convicted.

Two classes for prisoners committed for trial, with the same discretionary power for magisterial classification, according to character, conduct of prisoners, and nature of their offences.

One class for vagrants.

It may be well in proceeding, to mark *the practical* results of that Classification which, by philanthropic recommendation, was so strongly urged as a *sine qua non* in Prison Discipline, and which was carried out by legislative authority.

For the untried, or committed prisoners, there were to be two classes :—

One for misdemeanants.

One for felons.

For the convicted, or sentenced prisoners, there were to be two classes :—

One for misdemeanants.

One for felons.

After trial and conviction, the first mentioned misdemeanants and felons would be ranked with those last mentioned, where would be found prisoners serving out their various terms of imprisonment, and a consequent *new set of prison associates*.

There was to be likewise one class for vagrants. Out of these five classes the magistrates had the discretionary power, *ad libitum*, to extend the number of the classes of the prisoners, and the subdivisions of the goal, to meet the diversity of criminal character of which the inmates of the gaol were composed.

What was the result of these classification enactments? The perceptive acumen of the magistracy was taxed to devise the most suitable subdivisions; and gaol erections, enlargements, and alterations followed, with a view of complying with the provisions and intentions of the Acts which had been passed. From *five and six classes*, as enacted, magisterial discretion greatly increased their numbers, as exhibited by the following list, which was even multiplied to a still greater extent :—

Boys, Seventeen Years of Age and under, Felons and Convicts.

Men, First Offence, Felons.

Men, Old Offenders, Felons.

Transports.

Men, Old Offenders, Convicts.

Fines Misdemeanants.

Reputed Thieves.

Indecent Offenders.

Neglect of Family.

Stealing from Gardens.

Disorderlies and Deserters.

Breach of Contract.

Offence against Excise Laws Misdemeanants.

Convicted Misdemeanants.

To answer to keep the Peace Misdemeanants.

Bastardy Misdemeanants.

Vagrant Boys.

Vagrant Men.



Has this principle of *modified association*, with all its diversified classifications, accomplished the ends of legislative enactment, and the purposes of its ardent advocates? We dare not appear to charge the controlling spirits of past years in prison discipline legislation with want of an accurate knowledge of human nature, and of the very elementary principles of a sound and salutary system of penal treatment; for, amongst the advocates of classification (independent of legislative sanction) were to be found names the most distinguished for all that was excellent and humane. Through their benevolent intervention much good was accomplished; great improvements in prison inspection, in prison instruction, and in prison employment, were promoted; and a large amount of information upon the condition and management of gaols in the civilized world was collected and diffused. Altogether, there was a combination of mind, of talent, and benevolence, which, if rightly directed, would have been sufficient to accomplish, under suitable agencies, all that was sought to be attained.

The very term "Classification" appeared to possess a kind of popular charm; but, however plausible it may have seemed in theory, practically it has not answered the ends intended. Experience has most conclusively proved that each of the classifications and subdivisions referred to furnished but *distinct criminal communities*. In some of the subdivisions might be found prisoners who had traversed, in the course of their repeated committals and convictions, *the round of the several departments of the gaol*—thus multiplying the number of their prison companionships and associates. Take, for example, *a Boys' Vagrant Yard*—the result of an examination of one of the best conducted classification prisons in the provinces—and it will hardly require a moment's thought to decide what must be the effects of such a depraving amalgamation. I give the following twenty, out of about one hundred cases of juvenile offenders in the prisons, found mingled together in the vagrant department of a gaol, with

the ages, offences, number of times committed, and the punishments of these young culprits.

No.	Age.	Offence.	Times Committed.	Punishment.
1	12	Sleeping out	1	Six days
2	16	Sleeping out	1	Six days
3	12	Sleeping out	1	Six days
4	15	Sleeping out	1	One month
5	13	Stealing £5 12s. 6d.	1	Three months
6	15	Stealing Brass Wheel	1	Seven days
7	14	Stealing Clogs	1	Seven days
8	15	Stealing Clogs	1	Seven days
9	15	Stealing Handkerchief	2	Two months
10	14	Money and 12lbs. Soda	2	Three months
11	14	Sleeping out	2	One month
12	14	Sleeping out	2	Six days
13	15	Stealing Handkerchief	3	One month
14	15	Bread and 6lbs. Bacon	3	Three months
15	12	Sleeping out	3	Six days
16	15	Stealing Handkerchief	4	One month
17	15	Stealing 3lbs. Tobacco	4	One month
18	15	Stealing 2oz. Tobacco	5	One month
19	14	Stealing Butter-tub	8	One month
20	16	Stealing three Loaves	8	Two months

Of the 20 cases there were { 7 for "sleeping out."
13 for "stealing."

Times of committal to a prison { 8 who had never before been in a gaol.
4 twice.
3 three times.
2 four times.
1 five times.
2 eight times.

The subjoined exhibits but a partial dissection of the penal framework of the principle of classification operation, still further showing the morally destructive tendencies of that mode of discipline. The tables present the manner in which one hundred boys, from 10 to 16 years of age, were distributed amongst the subdivisions of a classification prison.

In a Felons' Ward.—Before Trial.

AGES.	TIMES COMMITTED.
1 aged 10 years.	24, <i>never before.</i>
2 " 11 "	6, second time.
4 " 12 "	2, third time.
4 " 13 "	3, fourth time.
6 " 14 "	4, fifth time.
5 " 15 "	
17 " 16 "	
<hr/> 39 Boys. <hr/>	<hr/> 39 <hr/>

In Felons' Ward.—Old Offenders.—Before Trial.

AGES.	TIMES COMMITTED.
1 aged 10 years.	2, twice before.
1 " 11 "	1, four times.
1 " 12 "	2, five times.
2 " 15 "	1, six times.
2 " 16 "	1, eight times.
<hr/> 7 Boys. <hr/>	<hr/> 7 <hr/>

These were associated with above 20 adults, old offenders, adepts in crime; some of them returned transports, and others recently discharged from various gaols.

In a Convicted Felons' Ward.—Old Offenders.

AGES.	TIMES COMMITTED.
1 aged 10 years.	2, twice.
1 " 12 "	1, three times.
1 " 13 "	3, four times.
3 " 14 "	1, six times.
1 " 15 "	1, eleven times.
2 " 16 "	1, fourteen times.
<hr/> 9 Boys. <hr/>	<hr/> 9 <hr/>

These had been *transferred with adults* from another subdivision or *first offenders'* department of the gaol, and placed with twenty or more adults on the verge of transportation.

Vagrants' Ward.—Boys 16 Years of Age and under.

AGES.		TIMES COMMITTED.
2	aged 10 years.	12, <i>never before.</i>
2	" 11 "	14, second time.
5	" 12 "	4, third time.
5	" 13 "	5, fourth time.
11	" 14 "	3, fifth time.
10	" 15 "	3, sixth time.
10	" 16 "	1, seventh time.
		1, eleventh time.
		2, twelfth time.
<hr/> 45		<hr/> 45

This department of "Classification" was considered the very hot-bed of iniquity; *first offenders*, under summary convictions, indiscriminately herded together with offenders of every shade; most of these had been in the Misdemeanants' and Felons' Wards, and many of them had been in other prisons. This ward adjoined the Men's Vagrant Ward, which contained from 90 to 130 prisoners of the worst class.

Of the 100 juvenile delinquents thus distributed in corrupting amalgamation—

36 *had never before been in prison.*
64 were old offenders.

100

A visit to *the school* of this gaol in 1840 gave the following as the result of the morning's attendance :—

20 Boys who had never been in prison before.
8 twice.
3 three times.
8 four times.
6 five times.
4 six times.
1 eight times.
1 ten times.
1 eleven times.

52 Boys

Out of these 52 boys, misdemeanants and felons, 16 were for trial, and others from the vagrant department of the gaol. Thus it will be seen that the same uniform vitiating principle ran through the whole system.

What could be expected from this association; must it not be pregnant with evils most pernicious? Can they who have never before been in prison come in contact with the corrupting influences of those who have been the frequent occupants of the gaol without partaking of the moral poison?

As a further illustration of the *practical effects* of Classification, I give, in a few examples, the result of an examination of boys thus confined, and could fill a volume with the personal narrations of juvenile delinquents, which are themselves declaratory of the evils inevitably connected with the system.

Upon gaol association, and planning further depredations, it was remarked by a youthful offender:—"I know'd several chaps that were in ——— Prison, and we used to talk about what we had done, and to say what we would do when we got out. I got acquainted with several fellows here."

T. and R. A., brothers, friendless and fatherless, ages 13 and 15. "Neither of us have been in prison before. We are now in No. 1 Ward, with above twenty chaps. They tell us what they have stolen, and what they do wi' things: some of 'em say they have been several times on the 'vag' (vagrant) 'side.' We are going out to-day, *but we have no where to go to*. Our mother is now in prison for three months: donna' know what for."

The following cases will also exhibit the corrupting tendencies of the discipline under review:—

T. W——, aged 15. "Since I have been in gaol, I had been employed in Wool Shop, winding. It is a long room. Sometimes there's fifty or sixty; there's three or four chaps to two skips of wool; men and boys are together in same room, and they can talk together; there are soldiers, 'vag men,' and boys. This is a very bad place for lads to come to; they talk about all manner of things; there's a great many of them who only make fun of them that seem to be a bit soft, or fret."

W. T——, aged 13. "I have been in 17 Yard twice, 15 once,

13 once. I now work in Wool Room; seventy or eighty chaps at work; all men, except sel, S——, and two others. I know a good many chaps that have been here, and they'll try to get me to go wi' 'em again; I should be glad to work, but boys always jawing about being in —— Prison." This boy referred to his extensive prison acquaintance at another gaol:—"I got to know many chaps at ——" (a classification prison). "I wur at Old Offenders' Ward. I knew S—— and D——; used to talk what they would do when they went out. There was an Irish chap and some others used to plan things; said they'd had 'jemmys,' and 'jakes,' and 'night protectors' to knock anybody down. S—— and D—— wanted me to be at outside of prison gates agen they come out; said would try their luck at Dublin."

T. S——. "I've been in —— twice; once on 'yellow side,' I am now on 'vag side," No. 17: there's more nor forty chaps; many been in several times. I've been in —— Gaol three times. Got to know several chaps—E. S., T. B., F. L.—he's transported. There's two Day Wards of little chaps and big chaps altogether. I now sleep in No. 2 bottom. J. T. sleeps wi' me, and T. B., and T. G.; the two last are 'first time chaps.' We whisper together, but if they hear us talking they take our tickets off, and supper gets stopped. Chaps often say what they'll do and where they'll go when they gets out. Chaps come down at gates and takes 'em off wi' 'em;—I've heard 'em say so."

The preceding are taken indiscriminately from about one hundred juvenile delinquents, from 10 to 16 years of age, who were at the same time in a gaol, and who came under personal examination, with a view of being thoroughly acquainted with the deplorably corrupting evils of the *Classification*, and, as it is termed, the "silent" system, as operating upon the juvenile delinquent.

The following cases will further exhibit the wretched career in crime pursued by youthful offenders—cases, *not singular* in their character, and presenting but an epitome of the miserable existence of the generality of that class of offenders, with also their baneful and depraving companionships when brought under the action of our penal law by the present legalized gaol discipline:—

E. O., *alias* J. F., *alias* W. K., *alias* C. J. "Turned 17. Have been in Bailey eight times. Was in first for stealing apples, side of Kersal Moor; got three days for it; had never taken things before; that's about six year ago. I worked fifteen or sixteen months at Lee's factory, in Salford; was in a second time for stealing apples,

and got a month; was put in 15 Ward both times. M—— was with me first time, and he got three days; was out about six month, and took some shoes and money from Salford; got put back for sessions, and they gave me six months for that—first and last week in ‘solitary’; *could shout and speak to chaps in next ‘solitary’*; was out about a year, and got acquainted with them chaps that was transported. N. L. was about 15, he got seven year; J. A. was about 17, he got ten year; and J. F., he was about 12, he got seven year, and had been in Bailey about *ten times*. Knew A.; was about 14; whipped twice. Used to go with C.; he has been in three or four times, and whipped. H. W. was a chap I knew; he is about 16, and is transported. T. A. is one I used to go with; has been in Bailey several times. Several chaps that I go with, but I don’t know their names. I was out three or four month, and got in again for ‘ogling a fogle’ (pocket picking); they gave me two month; was in 15 Ward, and worked on mill; was out several month, and worked at B—— & J——’s; was in fifth time for taking some bread and bacon at Salford; was put in Bailey, three month hard labour; was then out about three month, and took a man’s dinner; was out of work; they ga’ me fourteen days; was out of gaol about three week, and got a month for stealing dinner again; was clear a fortnight, and was taken up on suspicion—being in a crowd, said was *going* to pick pockets. I have been in Nos. 1, 15, 16, and 17 Wards. I knew T.; haven’t seen him a good while. When used to take things we had a woman that pawned ‘em for us; her name was Mary W——; she got twelve month at Lancaster for stealing a shawl. *I’m in 16 Ward; can talk to ‘em in 17 Ward; are all old men and chaps turned 17.”*

J. H., or A. age 13. “Father alive, mother dead; got a step-mother; *she wunna have me*. I used to work at factory, and she would na let me be at home; could get five or six shillings a week. Have been here five or six times, and whipped three. *Wur in first time for sleeping out*; I wur catch’d sleeping under H——’s flags wi’ some chaps. I wur not stealing then; *had no where to go*. Watchman took us up to Town Hall; then taken to Bailey; *and they ga’ us fourteen days cause I had no where to sleep*. *I got to know a good lot of lads who had been in several times*. W. was one, Jim L. another—he was transported for seven years; and I forgot many of ‘em. There was Bill C. and Bill G.; Bill got seven years. They would talk how they got shoes out of shops, money drawers, ‘fogling’ (pocket picking), and ‘buzzing’ (stealing). Wur in second time, charged, wi’ another chap, with going to steal bread. Went into shop for pound o’ bread; said wanted to steal; got seven days for it. Was in 15 Ward; so many chaps in, shifted us to No. 17 Ward. Was out about two months working at D.’s, Jersey Street; got into Bailey again. C. and G. called for me, and we went to a place near Mosley Street—forgot the name—and they

took a ham, weighed about ten pounds; they got away, and I got two months, and whipped. Was at work at P.'s, where I lived (I would na' live at home; they 'jawed me,' and took my clothes to pawn-shop); it wur then when I went wi' C. and G. I wur out about four months, and worked again at P.'s; wur stopped a day; sister and sel went and bought some Congreve matches, and sold them down Ashton Road; had big brother wi' me; and gave us sixpence. Went into a jerry-shop; I said I'd have sixpenny ale—sister would ha' fourpenny; I had sixpenny, and turning ale into glass broke it, and chuck'd it out o' door, thinking man would kick us; he came, and said we wur going to steal, and wanted us to pay for glass; had not enough money, and sent for constable, and we wur sent to lockups, and brought up to Bailey. Sister got off, and I am in three months. I'm in 17 Ward, and sleep at No. 5 bottom. Jim S. and little O'N. is wi' me, all in same room. I was whipped once for lads 'ticing me to drop off mill; six chaps wur whipped at same time—G., and S., W. A., and another; they were all whipped for bad conduct. I'm at work now picking wool; *there's a good many chaps out of all the wards; some out of 'vag side,' some out of the 'yellow boys' (felons); they work at another part. I go to school every other day; I've eleven week now to stop, and when I've served time don't know where to go. I canna go home; mother 'mills' me, and sauces me about being in at Bailey, and my father doesn't take my part.* My step-mother took ten shilling from sister and sel; it was one week's wage; she went and got drunk, and milled one of the neighbours; policeman took her up; she got bail, but was in gaol a day or two; I would sooner go any where *than live at home wi' her.* I'd be glad to get work when I go out; chaps wait outside Bailey to tak' lads wi' 'em to go stealing again."

The subjoined, being the last case to be brought under review, presents a melancholy portraiture of the miserable career of the youthful delinquent in his depredatory pursuits and his prison associations. It will be seen there is reference to about fifteen accomplices and acquaintances at the same time in the gaol.

John J., *alias* Barney C., age 14 (a transport convict). "Lived in Hulme; father dead; mother gets her living by minding child. Ever since my father died, I've gone wi' bad lads: Tom M. was the means of bringing me in; went also wi' Alfred C.; he has been convicted two or three times. Was in first time wi' Jim W., for breaking a window and taking things. Got a month for that; W. got four month. I was out about seven month, and used to go stealing and getting what we could. Used to sell all things to woman in Liverpool Road. Second time was for what another boy did; we went in to take something else. Tom E.—'whistler'—was wi' me; he is transported

for seven years; was about 16; he took the till. Was found in shop, but no money on us; for this we got a month. Was out about six or seven week, and got catch'd for taking some bacon from H——'s, O—— R——. Tom W. was wi' me; he got away. I got a month for that. I was out about eight or nine month, lodging in one place or another, *but stealing all time*—anything could catch hold on. Got in Bailey next for stealing some biscuits from Deansgate: got three months for that. *Out a few days.* Came in again for 'pinching a fogle': this got me two month. Was out several month, *still stealing.* Alfred C. and Jim M. was wi' me; we took a till from R——'s, d——t, D——; got three month and 'scratted' (flogged). I was out several month, *going on some way*, and got catch'd again for taking a pot wi' some money; Jim C. and George P. wi' me; wur all taken together, and have got ten year transportation. When first came in, in No. 1 Ward; next in 15, 1, 3, and 7. Whipped twice, once for sentence; second time for dropping off mill. *Found chaps in that I knew every time. We used to whisper, and make up things what to do; very near always plan to rob and pick pockets, and plan best place to go to.* I have broken into houses wi' big fellows;—a many are transported; 'whistler' was one. Jack H. is off for fourteen years, Pat C. for ten years, Jim M. for ten years. Have been many a time nearly catch'd for things that have never been found out. I took a till in P——r S——t. Girl saw me, and 'skrieked' out: *I knock'd her over her head wi' the till*, and run away; good many chaps wur after me, I slipped off my jacket, and cried, 'stop him, stop him'; chaps passed me, and I cut off. Used to go into country to get into houses about P——: used to have skeleton keys. If coudna' get in at door, would take window out of shutter, or shot lock wi' 'jemmy.' Used to get £5 or £6 at a time; sometimes not so much—£1, or so; sometimes nothing. Used to go to play, or drinking, or wi' girls. Soon got rid of money; as they say, 'bad get, bad go.' Not much a robbing now, except do like Dick Turpin. We call stealing, 'touching, pinching, buzzing, fogle-hunting, jilting, snow-dropping': the last means taking handkerchiefs, shirts, and so on, off line. *I know a good many chaps that's in, and many a score that's out*—many that I don't know their names. When we're going about things, we meet at different place; sometimes in Mount Street, the Iron Bridge; more times near R——'s shop, D——e. When we get anything we go to 'Old John,' top of H—— Street, and 'lug it'; take things to W——'s too, in S——g F——d, off D——e. *They care nought about where we get things; know they are stolen. They give just about a quarter what things are worth; if get handkerchiefs, give 1s. or 1s. 6d for it. If policeman drops upon us doesn't find much.* All about S—— F—— chaps and girls go and sleep. I've seen ten chaps and girls in a room 'milling' about one another wi' shirts and shifts. The girls get what they can wi' us, and go sometimes

'hoisting' (shoplifting). In B— H——— S——, M—— W—— stands 'fence.' Get anything worth 5s. or 6s., get 1s. 6d. or 2s. for it. When get things are glad to get rid of 'em; afear'd of getting 'pinched.' J—— lives in S——— F——, down some way; it wouldn't do to 'split,' that would 'crab' it (stop it). I'm now in Transport Ward. Sulky is there: he's got seven years. *There's nineteen in that Ward waiting to go off*—some seven, some ten, some fourteen and fifteen years. The wardsman is a first offender; he seems a religious sort o' chap; he's always on for reading. There's many 'dos cribs' (houses of ill-fame) about S———g F——d, for molls, and gunniffs, buzzers, and such like. I've two brothers; one at Liverpool, a joiner: I don't know where t'other is. Neither of 'em come down to see me sin I've been sentenced to be transported, which I think very hard of 'em. *Mother has been to see me three times, and tells me to be a good lad, and hopes I will return to my native country. If I'd ta'en mother's advice would na' ha' been here.* My mother used to tell me when I went wi' bad lads, 'thou'lt get transported, be put in chains, and will suffer when its too late for thee to repent.' *I knew many chaps that had no home to go to, and was obliged to sleep out, and used to go to steal. Some o' 'em no father or mother; some are now transported that was that way—M., Tim B., B—— J.; several that didn't know their names; if they'd any friends to go to wouldn't ha' been in gaol."*

Under our existing system of gaol discipline, *hundreds of thousands* of mere children and youth (a large majority of whom have been the victims of neglect and destitution), have been subjected to the ruinous prison association referred to in the preceding narratives; and will the reader permit to be given the sad testimony of a condemned convict of the *inevitable tendencies* of such associations—a testimony offered by a man on the confines of another world. Mr. Deappert, in his report on the necessity of a complete separation of juvenile from other offenders, remarks:—"There were in the same room, at Douay, several youths who had been sentenced to imprisonment by the correctional tribunal, together with men of different ages, and also a man condemned to death for murder. He requested to speak to me in private. 'I wait,' said he, 'the moment of execution; and since you are the first person who has visited us, I wish to address you with confidence, and to conceal nothing from you. I am guilty of the crime for which I have been condemned; I have committed robbery and murder. From my infancy my parents neglected me. I fell into bad company; *my undoing was completed in a prison*; and I am now about to expiate all my faults.

Among the persons whom you see in this room there are some youths, who, with pain I observe, *are preparing themselves for the commission of new crimes, as soon as their term of confinement expires.* If you would get them removed into a separate room, this, sir, would be the greatest benefit that you could confer upon them."

The present is truly an "undoing" system; and every feeling mind will accord in the sentiments expressed by the Inspectors of Prisons when referring to the operation of our present laws, and the deplorably depraving influence of our prison discipline upon the young:—"Absolute impunity would, in many cases, have been preferable to the ruinous effects of commitment to a gaol."

In confirmation of the sentiments expressed with regard to the lamentable opportunities afforded by constructional arrangement for mutual contamination amongst the prisoners in the gaol to which reference has been made, the chaplain and the governor of the Salford prison, in a report to the visiting justices, under date of April, 1845, thus observe:—"The day-rooms are severally on the ground floor communicating with the airing yard. They are confined and dark, and *it is utterly impossible to contrive a greater nuisance in a prison than they are. They are the places where corruption thrives without any check from the supervision of officers. They are truly the abominations of the prison.*" Such were indeed the "abominations" permitted for so lengthened a period to exist, with all their demoralizing associations.

At length, the corrupting nature of the discipline became so palpably evident, that, in the annual report of the chaplain, published October, 1846, an attempt is stated to have been made to apply a remedy, allusion to which is made in the following terms:—"Much of the moral contamination complained of in former reports has been done away with by the complete abolition of the day-rooms on the men's side, by which the prisoners are during the entire day under the eye of an officer."

It must, however, be a matter of deep concern to those who feel an interest in the "reformation of the offender, and the determent of others from the further commission of crime," from the long-known and glaring evils shown as existing by the narrations we have

given and the statements furnished, that the alteration adverted to by the chaplain had not long ago been adopted. The reader is informed that much contamination is prevented; may it not be asserted that there is *much contamination continued*, and that the transfer from the day-rooms to an alleged more strict supervision is but a feeble palliative to the attendant evils of gaol recognition, and certain communication?

It is well known, that, *before trial*, prisoners are not subjected to the more rigid rules of compulsory silence, and that all grades of character in the career of criminality, from the *first offence* transgressor, to the deeply steeped in guilt, are daily in association; new acquaintanceships are formed and old companionships are recognised; these associations furnishing *renewed* occasions, not only for mutual recognition, but for planning and determining upon future depredations *on discharge from prison*. A well authenticated case has recently come under notice, which shows that, although it is alleged, "much contamination is prevented," with all the vigilance that can be exercised, the system in operation at the New Bailey supplies abundant means for interchange of ideas most mischievous to the community. Permission is given to name the following case:—Mr. John Williams, of Fallowfield Lodge, near Manchester, had been robbed by his servant-man J—— L——, who was convicted in March, 1846, and sentenced for six months imprisonment. Before the expiration of that time, a man named M——, who had been confined in the New Bailey, called upon Mr. Williams, and told him "a plot had been concocted in the prison to rob his house." He was unwilling, at first, to regard this communication, "but," remarks Mr. Williams, "the man told me so clearly where things of value were deposited, what they were, the easiest way to get at them, when myself, sisters, and the other branches of the family were from home, together with many other matters, *so correctly*, I was convinced J—— L——, who had been in my employment several years, must have told the man." Mr. Williams communicated what he had been told by M—— to the governor of the gaol, and upon examination, it was found that M—— and J—— L——, with others, *had been confined together before trial*. This case is only given to shew *the kind of prison education* promoted under a silent system prison discipline, and is only an instance out of many that could be supplied, of a similar bearing.

Under whatever system criminals are allowed to congregate, contamination is a certain consequent.

Do not the association with the abandoned, their derision at the relenting, the lessons of infamy imparted, the extensive prison acquaintanceships formed, with the systematic scheming for future plundering the community, all tend to shew the enormous evils of a discipline thus perpetuated by magisterial supervision and maintained by legislative enactment?

In the notice given of "the practical effects" of gaol association, it has not been the object to refer in a manner condemnatory of the particular prison observed upon, but more especially to present to view *the evils of a system* which is considered national.

The earnest inquirer might be directed to a full development of the aggravated evils of the congregated, and what is termed, the silent system of prison discipline, as presented in the metropolitan gaols; there would be found extensively constructed prisons, excellent prison officers, well digested prison regulations, whilst at the same time they are institutions for the inoculation of every vicious principle—institutions in which would be found, in their various classification departments, criminals herded together, of every rank and degree in crime that the mind can possibly conceive—from those who have never before breathed the atmosphere of a gaol, to the culprit sunk the lowest in moral infamy, and these present but a representation of the prisons generally of the United Kingdom.

CITY OF LONDON AND METROPOLITAN PRISONS.

NEWGATE.

Advancing in the subject, it may be asked;—What are the city of London prisons? Are they not standing monuments of moral pollution, and of the unaccountable apathy and disregard which have been manifested by their chartered supervisors or conservators. It is well known that the aldermen of the City of London have the management and control of their penal institutions, and

there need be no hesitation in affirming, that in no civilized country on the face of the globe, with all the light, intelligence, and progressive improvement by which that body is surrounded, can there be found establishments so notorious for the continuance of a state of things so morally destructive to the prisoner and injurious to the community. It is only a matter of astonishment that the government and the legislature* have continued to extend their forbearance, and that they did not long ago adopt measures for the withdrawal of the penal institutions of the city from aldermanic control.

The very soul sickens at the perusal of testimony, both parliamentary and individual, which has been offered from the days of Howard even to the present time, and as the enormities of these city prison houses may have varied in some degrees of atrocity at different periods, the same deplorably vitiating, soul-destroying system has prevailed, notwithstanding the parliamentary investigations, the reports of inspectors, the presentments of grand juries, the remonstrances of sheriffs, the appeals of benevolent individuals; and there is still, up to 1847, every possible attempt in the Court of Aldermen to stifle investigation, obstruct improvement, and to prevent *public* discussions. The lips of prison officers are hermetically sealed, motions for inquiry are evaded and postponed, and any benevolent appeal to the Court of Aldermen† upon the condition of the prisoner is denominated “humbug,”‡ and treated with derision.

* Lord Sandon, who is deeply and feelingly alive to the importance of prison discipline, was so impressed with the depraving tendency of the discipline of the City prisons, that he gave notice the last Session of Parliament for a Committee to inquire into the state of the City gaols. It is fervently hoped that these notorious institutions for all that is vicious will not escape the most rigid scrutiny.

† Mr. Alderman Sidney is entitled to the warmest thanks of the community for his continued and zealous endeavours to promote a reform not only in the discipline, but the construction of the city gaols, and it may be seen from the reported proceedings of the Court of Aldermen, how the endeavours of that gentleman have been met by evasion and opposition. Earnestly, however, is it desired that Alderman Sidney will not be discouraged in his benevolent work; for it will be found that, whatever opposition the City authorities may offer to the introduction of an improved system of penal treatment in their gaols, they will be compelled to yield ere long to the powerful influences of both public opinion and legislative enactment.

‡ Meeting of Court of Aldermen.—*Vide* ‘Times,’ June 11th, 1845.

A few pages will be required to shew *the regard* which the Aldermen of the City of London have had to prison morals, and testimony more worthy of credence was never given before any tribunal ; testimony which the City authorities of *this day* will not presume to question or deny.

JOHN HOWARD, 1787,

In his account of prisons, referring to Newgate, states "that there was *no alteration* since his former publication. In three or four rooms there were nearly one hundred and fifty women crowded together, *many young creatures* with the old and hardened, some of whom had been confined upwards of two years. On the men's side *there were many boys of twelve or fourteen years of age, some almost naked*. In the men's infirmary there were only seven iron bedsteads, and at my last visit, *there being twenty sick, some of them, naked, and with sores in a miserable condition, lay on the floor, with only a rug.*"

SIR RICHARD PHILLIPS, 1808,

A Sheriff of the City of London, remarks, as the result of his own observation, "that he had been shocked to see boys of thirteen, fourteen, and fifteen, confined for months in the same yard with hardened, incorrigible offenders.

"Among the women, all the ordinary feelings of their sex are destroyed by their indiscriminate association ; the shameless victims of lust and profligacy are placed in the same chamber with others who, however they may have offended the laws in particular points, still preserve their respect for decency and decorum. In immediate contact with such abandoned women, other young persons are compelled to pass their time between their commitment and the sessions, when, of course, it often happens that the bill is not found against them by the grand jury, or they are acquitted by the petty jury. To convey a just idea of these yards, and of the yards in which the prisoners live and lodge, *the most apt comparison is the engraved representation of a slave ship, which, a few years ago, was circulated through England with much effect*. When the prisoners lie down in their floors by night, there must necessarily, at least in the women's ward, be the same bodily contact, and the same arrangement of heads and legs, as are represented in the drawing of

the deck of a slave ship. The wards being only 43 feet wide, admit by night of two rows to lie-down at once, in a length of 37 feet, that is to say, twenty-five or thirty women in a row, having each a breadth of 18 inches by her length; at times the women have laid in the space afforded by the difference between the breadth of the room and the length of the women."

MRS. ELIZABETH FRY, 1815.

About 1815, Mrs. Fry visited Newgate—a gaol in the midst of highly civilized London, and her visit is thus described by her friend, Mr. Fowell Buxton:—"She found the female side in a situation which no language can describe. Nearly three hundred women, sent there for every gradation of crime, some untried, and some under sentence of death, were crowded together in the two wards and two cells, which are now appropriated to the untried, and which are found quite inadequate to contain even this diminished number with any tolerable convenience. Here they saw their friends, and kept their multitudes of children, and they had no other place for cooking, washing, eating, and sleeping. They slept on the floor, at times one hundred and twenty in one ward, without so much as a mat for bedding, and many of them were very nearly naked. She saw them openly drinking spirits, and her ears were offended by the most terrible imprecations. Every thing was filthily to excess, and the smell was quite disgusting. Every one, even the governor, was reluctant to go amongst them. He persuaded her to leave her watch in the office, telling her that his presence would not prevent its being taken from her. She saw enough to convince her that every thing bad was going on. In short, in giving me this account, she repeatedly said," remarks Mr. Buxton, "'All I tell thee is a faint picture of the reality; the filth, the closeness of the rooms, the ferocious manners and expressions of the women towards each other, and the abandoned wickedness, which every thing bespoke, are quite indescribable.'"

THE REV. ORDINARY COTTON.

Nearly at the same period, the Rev. Mr. Cotton, the ordinary of the prison, gave evidence on which a Parliamentary Committee thus commented:—"It is with pain the Committee have learned from Mr. Cotton, the new ordinary, the condition of the female prisoners, and they hope that it is not in many prisons in England where it

can be said that swearing and drinking are among the women prisoners the prominent evils ; that they stupify themselves to get rid of all reflection ; that they have ceased to have any consciousness of sex ; and that they seem to be unsexed, when they come into gaol."

Such was the condition of the female department of Newgate, in 1815 ; nor are any thanks due to the aldermen of the City of London, that these abominations at that period were in a considerable degree corrected. It was from the benevolent exertions of Mrs. Fry and her friends, constituting the Ladies' Society, who visited Newgate, that such atrocities received a check.

MR. POYNDER, 1817.

Of the state of the male prisoners' side of this gaol, in 1817, Mr. Poynder, a man of high standing in the City of London, offered the following evidence before a Parliamentary Committee upon the enormities which then prevailed in Newgate. Mr. Poynder observes:—"that the prisoner associates with the same companions, talks the same language, and enjoys the same vices to which he had been accustomed in the world. So far, therefore, as the criminal is concerned, he remains the same character still ; nor is the general aggregate of crime lessened by his confinement, since it can be proved that, from the facility of intercourse between the interior and the exterior of Newgate, SOME OF THE WORST, AND MOST EXTENSIVE BURGLARIES AND ROBBERIES HAVE BEEN PLOTTED IN THAT PRISON ; FORGED NOTES HAVE BEEN FABRICATED AND PASSED THERE ; AND COINING ITSELF HAS BEEN CARRIED ON WITHIN ITS WALLS." The same gentleman, further remarking on the then existing evils of the gaol, stated, "that any man was visited by any woman who chose to inquire for him, and the mere mention of his name," Mr. Poynder continues, "is in the same way permitted to pass all those women who chose to apply FOR THE PURPOSES OF GENERAL PROSTITUTION. The cases of venereal disease always to be found in the infirmary, are for the most part, if not altogether, CONTRACTED IN THE PRISON."

THE PRESENTMENT OF A GRAND JURY IN 1820.

The succeeding testimony, declaratory of the enormous amount of mischief which the magistrates of the City were passively instrumental in inflicting upon the community, is the presentment of a grand jury in 1820 :—

"The London Grand Jury respectfully beg leave to present to the Court that, in their opinion, the alarming increase of crime in the Metropolis, especially amongst juvenile offenders, is to be *chiefly attributable* to the very inadequate state of Newgate Prison for the purpose of classing the prisoners according to their various degrees of criminality; thus, boys and girls who have been committed for some slight misdemeanors, are found to associate with the basest and most hardened felons, and are consequently returned upon society, when the periods of their imprisonment are passed, in possession of all the theory of the most practised offenders. The Grand Jury therefore, earnestly implore the Court to give their most serious and immediate attention to the deplorable state of Newgate Prison, and to adopt such measures as shall effectually remove this great discredit from the Metropolis."

INSPECTORS OF PRISONS, 1836.

Sixteen years after the preceding evidence was offered, the Inspectors of Prisons, in their report for 1836, supply a deplorable enumeration of the evils which the city of London Aldermen continued extra-judicially to inflict upon the prisoners under their charge, with the consequent mischief also to the community.

"The association of prisoners of all ages, and of every shade of guilt, in one indiscriminate mass, is a frightful feature in the system that prevails here; the first in magnitude, and the most pernicious in effect. In this prison we find that the young and the old, the inexperienced and the practised offender; the criminal who is smitten with a conviction of his guilt, and the hardened villain whom scarcely any penal discipline can subdue—are congregated together, with an utter disregard to all moral distinctions, the interests of the prisoners, or the welfare of the community. In such a state of things, can it be a matter of wonder that the effects should be such as have been described? Every other evil is aggravated by this; and it would be worse than idle to attempt any remedy for the rest, whilst this most demoralizing intermixture of criminals of all ages and degrees of guilt is suffered to frustrate the very ends of prison discipline, and to give tenfold violence to all those mischievous inclinations and passions, upon which it is incessantly operating, and which it is the design of justice to discourage and repress. Every device by which the fences of property may be overcome is here

framed and divulged to ready agents. Every fraudulent artifice, every successful trick, every ingenious mode of overreaching the cautious, or of plundering the unguarded, is perfected here, and communicated to those who had not hitherto been initiated in the mystery of crime."

Upon the utter uselessness of all attempts to diffuse, with any advantage, moral and religious influence within the walls of the prison, the Inspectors continue :—

"We are compelled to state, that no circumstances could be imagined more calculated to defeat all hope of reformation than those in which a prisoner in Newgate necessarily finds himself placed; forced and constant intercourse with the most depraved individuals of his own class; the employment of those means and agents by which the lowest passions and most vulgar propensities of man are perpetually kept in the highest state of excitement—drinking, gaming, obscene and blasphemous language, utter idleness, the almost unrestricted admission of money and luxuries; uncontrolled conversation with visitors of the very worst description—prostitutes, thieves, receivers of stolen goods; all the tumultuous and diversified passions and emotions which circumstances like these must necessarily generate, forbid the faintest shadow of a hope that in a soil so unfavourable for moral culture, any awakening truth, salutary exhortation, or imperfect resolutions of amendment, can take root or grow. Every devotional feeling here perishes in the birth; no time or place is allowed for secret meditation, reading, or prayer; and the whisper of conscience is drowned in the noise of revelry, obscenity, or blasphemy."

The highly reprehensible disregard of the City of London authorities to the condition of *the condemned culprit* is also powerfully and feelingly commented upon by the Inspectors of Prisons.

"But the most distressing circumstance connected with this system is the *cruel indifference* with which it regards the condition and necessities of those on whom the extreme penalty of the law is doomed to fall. Prisoners actually awaiting the execution of the awful sentence of death are placed, by the evil influence of companionship, in the most unfavourable circumstances for self-reflection.

Religion and humanity combine to point out the imperative necessity of providing men, brought by the sentence of the law to the verge of eternity, with the means of spiritual improvement and consolation; but the system of prison discipline in Newgate practically defeats every such merciful design. Against this serious evil, the chaplain has repeatedly and loudly protested; and it is in evidence that *the unhappy victims themselves have earnestly implored the officers to deliver them from a situation in which it was impossible for them to devote the few remaining hours that the law allowed them to reflection and prayer!* But this is not all. The companions in guilt of these unfortunate men become further hardened by the influence of this association. The indulgence of thoughtless apathy, unfeeling mirth, or revolting ribaldry, are productive of incalculable mischief to the minds of those who are subjected to their influence. The prisoner who witnesses with levity of indifference the last moments of a culprit in Newgate, comes forth a greater villain than he went in. In him the evil principle has done its work, and the very exhibition of terror which justice designed for the reclaiming of the survivors, by a perversion of moral influence, irremediably hardens the heart which it was intended to soften and amend."

What terms more reprobatory could have been employed by the Inspectors in their report for 1836, with respect to the *general tendency* of penal treatment in Newgate, than the following:—

"If human ingenuity were tasked to devise a means by which the most profligate might be rendered abandoned to the last degree of moral infamy, nothing more effectual could be invented than the system now actually in operation within the walls of the first metropolitan prison in England."

These extracts will surely suffice to exhibit the state of Newgate down to the date adverted to.

INSPECTORS OF PRISONS, 1846.

The last, or tenth report of the Inspectors of Prisons, published in 1846, further indicates the manner in which the city magistrates have continued to perpetuate the prison enormities by which their gaols for so many years have been pre-eminently distinguished.

“An imperative sense of duty has compelled us, year after year, to remonstrate against Newgate, as a most objectionable prison, and on the present occasion, we have no alternative but to reiterate our complaints of it. We have *repeatedly entered into details of its radically wrong construction, and of its pernicious discipline.* In whatever light we contemplate this prison *we see in it a school where the juvenile and the immatured offender, or any one in whom there may be yet some sense of virtue remaining, is, by reason of a compulsory gaol association, perfected in the arts of crime.* The result is inevitable. Here prisoners of various degrees of depravity are thrown into the most intimate companionship in numbers, varying from three to nineteen hours of the twenty-four, in utter idleness, and without even the restraining presence of an officer, and during the two hours allowed for exercise that sphere of association is *prodigiously increased* by the prisoners in the different wards being allowed freely to associate in the airing yards. *That contamination goes on to a fearful extent in the wards and yards of Newgate* is not a matter of conjecture or speculation, *for every day's experience demonstrates it.* It is no uncommon thing for young men committed to this prison for a first offence, although they may on entering evince deep and unfeigned sorrow for a short period, to recover rapidly from their depression of spirit, and *give way to a reckless state of mind which soon binds them in closest intimacy with the depraved, and the old and oft-committed depredator.*’

The Inspectors of Prisons refer to the prolific opportunities for the commission of prison offences in this gaol; a few extracts may suffice as examples of uproar and insubordination.

“FIGHTING IN THEIR WARDS,

- PLAYING AT LEAP-FROG IN THEIR WARD,
- SECRETING THEMSELVES IN ANOTHER WARD,
- GAMBLING WITH BUTTONS,
- DISORDERLY AND RIOTOUS CONDUCT IN THEIR WARD,
- FIGHTING AND INSOLENT LANGUAGE WITH TURNKEY,
- STEALING A HANDKERCHIEF,
- FORCING OPEN THE DESK OF THE SCHOOLMASTER,
- SPITTING THROUGH INSPECTION HOLE INTO AN OFFICER'S FACE,
- INDECENT CONDUCT TO A FELLOW-PRISONER,”

and other particulars of the *unrestricted* “doings” of the gaol are also adverted to.

“ Among the first wards we saw through the inspector’s hole about eight prisoners busily engaged at some game, with a sentinel keeping his eye on the inspection hole ; but, when we entered, not a vestige of the gaming was discoverable ; before, however, we had ascended half-a-dozen steps on the staircase, we again looked into the ward through another inspector’s hole in the wall, and there we distinctly saw *that the game had been renewed.*”

The Inspectors of Prisons propose the following interrogatories, after other lengthened statements of the characteristic laxity of discipline in this gaol :—

“ Is it calculated to reclaim the guilty, or to protect the innocent ? on the contrary, it will be evident *that the guilty will become more hardened and expert ; that the innocent will be corrupted ; and that the inmates of Newgate, when they regain their liberty, will be more dangerous to society from the experience they have acquired in this most defective prison.*”

It requires not the powers of invective or declamation to portray the evils which must certainly result both to the imprisoned and to society by the existence and continuance of such a state of things, and the Inspectors suitably remark :—

“ The common dictates of humanity, the safety and well-being of the community, and the all-importance of moral discipline to the criminal himself, alike condemn a system of discipline which compels persons to be companions and close associates of the hardened and depraved.”

In the course of the last ten years, nearly forty thousand prisoners, male and female, have imbibed the insidious poison of this goal. From this very brief historical commentary on the manner in which the City authorities have regarded the morals of the prisoner and the security of the public, (on which volumes of evidence could be furnished of similarly affecting import,) can the ethical statician form an adequate and accurate estimate of the moral pollution which has flowed through the community from this pestiferous penal depository, with all its defiling influences, during the lengthened period to which the reader’s attention has been directed ?

Without taxing the attention of the reader too much upon this subject, a further brief reference may be made to the city prisons.

GILTSPUR STREET COMPTER.

Lengthened extracts could be given from official documents declaratory of the abounding abominations which have been continued in this gaol, but the following, recently published, may serve to show its present state. One of the daily evening journals* has, with much force, animadverted upon the wretched, the degraded, and crowded condition of Giltspur Street Compter. Upon the discipline and contaminating association suffered in this prison, it is observed :—

“The child who has committed a first offence, the adult who has arrived at the full maturity of crime, and the veteran more hardened by his vices than his years, who seems to take a pride in the empire of wickedness, are all huddled together, breathing the same tainted atmosphere, and assimilating with a sort of malignant rivalry to the worst specimen amongst them. Such is the state of that part of the prison known as the Compter, where prisoners *untried*, and of course unconvicted, and possibly innocent, are associated with some of the most depraved characters on the face of the earth ; but, bad as this division of the prison is, the other division, now known as the House of Correction for the city of London, is *by many degrees worse*. Here are to be seen in the same room from fifty to sixty male prisoners, of all ages, and of almost all degrees of criminality, sitting together closely packed on benches, picking oakum. The most disgusting conversation is continually going forward ; the most revolting levity pervades the whole demoralized and demoralizing mass ; and the wretch who might, in the first instance, have been sent there for some slight offence, soon finds the sort of school he has been introduced to, and there treasures up lessons and forms connections well calculated to fit him for the mischievous career which society may be said to have destined and fitted him to run. Immediately above this den of infamy stands the treadmill, on which a similar number of men are kept constantly at work ; and there, as

* The Sun, Feb. 2nd, 1846.

in the oakum room, their intercourse with each other *is perfectly unrestrained*, and their conversation distinguished by the same reckless disregard of all decency and order."

Little, indeed, need be added to such testimony in confirmation of the assertions made of the destructive tendencies of such a state of discipline. From repeated personal examination the writer could present examples of the baneful influence of gaol association in that prison. Amongst the female inmates, are frequently to be found *the first offence* conviction in constant contact with the most hardened prostitutes, who are compelled to hear narratives the most disgusting and obscene. The accuracy of the vivid picture portrayed in the journal quoted can be most fully avouched.

Upon the committal of *juvenile offenders* to gaols under city jurisdiction the Inspectors of Prisons, in their third report, emphatically remark,—and the same observations may, with equal propriety, be applied to the consequences of that class of offenders being committed to city prisons *at the present day*:—

"Whether we advert to the gaols of the City of London,—viz., Newgate, Giltspur Street Compter, the Bridewell Hospital, and the Borough Compter—it is a fact *that no young person* can be committed to any one of these places without being rendered the worse by the imprisonment, and the more dangerous to the community; nor without extending his acquaintanceship with the criminal and depraved."

Is it too much, then, to write, in the denunciatory language of the Prison Inspectors, that THE CITY PRISONS ARE A DISGRACE TO THE METROPOLIS, AND A NATIONAL REPROACH; and also to join with them in the hope "that the day is at hand when the stain will be removed from the character of the city of London, and when the first municipal authority of our land will no longer be subject to the reproach of fostering Institutions which outrage the rights and feelings of humanity, defeat the end of justice, and disgrace the profession of a christian country."

Does the law visit with its penalties those who cause a nuisance which affects the physical condition of a district, and is there no

law which can reach high transgressors who have so long perpetuated and still continue to retain such a moral pestilence in the midst of the community as the penal-houses to which attention has been directed?

The discipline referred to in the preceding remarks in regard to the treatment in the city gaols has, from its own distinguishing character, received the appellation of

THE CITY OF LONDON SYSTEM.

COLDBATH FIELDS PRISON, CLERKENWELL.

In further noticing the present prevailing system of prison discipline a few remarks will be made upon the Metropolitan examples of the classification, silent, and congregated system, as in operation at Coldbath Fields and the Westminster House of Correction, which, although indicative of the almost universally predominant system of prison discipline in the United Kingdom, furnishes certainly better specimens of order than usually found under that system, notwithstanding there will be obviously manifest to the most superficial observer all the elements of moral corruption and contamination.

The Coldbath Fields House of Correction,* it is well known, is one of the largest houses of detention in the country; its inmates vary from 1000 to 1200 juvenile, adult, male and female offenders, all spread through this vast establishment in its various divisions, congregated together in large numbers comprising every variety of offence and degree in crime, in yards and wards which have their respective classification denominations, and to which reference at some length has been made, and conformable with legislative enactment and magisterial discretion as connected with the system here adopted.

*A most timely opportunity is afforded for the introduction of a more efficient system of penal treatment in connection with a Middlesex House of Correction. A railway company is intending to apply to Parliament to obtain the entire site of this gaol for a railway station, and for which it is said £100,000 has been offered. The legislature will most truly promote the cause of prison reform by sanctioning such a measure, by which a penal institution may be erected in another locality, upon the most improved principle of construction for carrying out a system of discipline more in unison with corrective and reformatory treatment than at present in operation in the Coldbath Fields Prison.

A brief reference is only required from the last published report of the Inspector of Prisons for the Home District, to show the nature of gaol association and the harassing feelings consequent upon an attempt to carry out the system of discipline adopted in this *pattern* gaol upon the *silent system*. The number of prisoners confined at the time of inspection was 920, besides 17 infants and children. They were divided in the following order :—

	Males.	Females.
Felons	323	155
Misdemeanants	195	48
Rogues and vagabonds	72	
Soldiers	92	
Under the vagrant act		35
	<hr/> 682	<hr/> 238

Total, 920.

These were assigned to 16 departments of the gaol, under *various ward classifications*.

Of the giant evil, *association*, to which reference has been made as the bane of the system, the inspectors, adverting to a class of prisoners which appears to have occasioned no small annoyance in the conducting of the discipline of the prison, *workhouse offenders*, observe, “some of whom had been sent to prison 10, 11, 12, 13, and even 14 times, who seemed to be utterly destitute and untaught, and whose conduct in the prison was indecent, violent, and outrageous in an unparalleled degree.”

Such were mingled together with the general mass of female prisoners, and it is further stated by the inspectors, “*the evils inseparable from ward association under any circumstances* were much increased by the misconduct of some of the females of this class, that special measures were resorted to in regard to them; on this point the following entry occurs in the governor’s journal :—

“November 23rd, 1843. In consequence of *the frequent disorders caused by the association in the same wards of various female prisoners* committed as refractory paupers from the workhouse, the governor has directed that S. H. and E. W. should be confined ;

the former in the fourth, and the latter in the second felons yard; others of the same class occupying the fifth, sixth, and seventh yards. This is authorized by rule 70."

Be it remarked, *gaol association*, under the silent system, is being commented upon. These "indecent, violent, and outrageous" work-house offenders are placed amongst the various yards, (misdemeanant yards it is presumed,) whilst two of the more heinous offenders are sent to associate with felons. What punishment would it be to these turbulent transgressors to be thus drafted to such companionship? They would but meet *some congenial spirits* to confirm them in their hardened habits and propensities. Could there be anything salutary by such a transfer?

A recent visit but further established the opinion of the morally desolating influence of the system; there were preceived the mere child from eight years of age to the hoary-headed transgressor of sixty, with every intermediate age and acquirement in crime, grouped together in deplorable proximity. In the spacious workroom there were from three to four hundred criminals of all ages, the vagrant, the misdemeanant, and the felon; and indeed, all degrees of guilt which might occupy every classification of the most extensively classified gaol, were sitting side by side in sullen silence; these numbers were superintended by four gaolers, whose eyes were constantly strained to mark the nod, the wink, the motion, the smile, or the turn of the head of their criminal charge; whilst an infraction of the rules of silence, the indication of motion, or any mode of communication, is visited by what is called disciplinary punishment; and that those inflictions are frequent, severe, and vexatious, will be manifest from the large amount of prison punishments as shown in the public documents relating to the prison. Wherever the mind reverts, whatever department is examined, there will be found elements the most depraving, whilst facilities are afforded for imparting principles the most corrupting.

It has been shown that THE DAY discipline of the system prevailing in this gaol is both harassing to the warders and irritating to the prisoners. The evils are further manifest in *the dormitory* part of the prison; 451 prisoners, male and female, are reported to have been distributed in twenty-seven rooms, or an average of about

16 in each; in some of the rooms the prisoners were placed as follows:—

Room 37 feet long, 7 feet wide; 35 prisoners.

„ 24	„ 23	„ 31	„
„ 25	„ 23	„ 30	„

The further difficulty experienced in carrying out the system of silence is shown from the prison records. The *nocturnal* infractions of prison rules, both by *sub-warders* and *prisoners*, is exhibited by the following entries, most clearly proving that *negligence* on the part of the officers, and *communication* on the part of the prisoners, with its attendant contamination, was a distinguishing and “natural feature.”

“30th March, 1843. The Matron represented that two prisoners, on their being reported for talking in the dormitory of the second yard, *accused the night officer for sleeping the greater part of the last two nights*, and that one of the prisoners got out of bed and aroused her; the whole of the prisoners in the dormitory were examined, and most of them confirmed the statement, adding that considerable conversation had taken place.”

“14th June, 1843. An officer was fined for sleeping on night duty in the dormitory, *who had been fined no less than thirteen times* for the offence.”

“2nd July, 1844. Two female warders were *fined for repeatedly sleeping whilst on duty*.”

“5th August, 1844. A sub-warder *was dismissed* for sleeping whilst on duty throughout the night, on the 3rd instant, and pursuing the same conduct last night.”

“3rd September, 1844. A male warder was fined two shillings for negligence in the sixth dormitory, whereby *four prisoners were enabled to communicate*.”

“10th December, 1844. A female sub-warder was reported for sleeping at her night-watch, *who had been fined ten times before for the like offence*.” These are some of the night operations of the discipline.

What must be the system which requires such watchings—that presents such opportunities for the constant day and night harassings of those who are employed to sustain it?

The amount of prison punishments for the violation of the rules of the prison is also a distinguishing characteristic of the system, and

cannot be rigidly maintained without recourse to such disciplinary punishment as the "hand-cuffs, and other irons, whipping, dark cell, solitary cell, stoppage of diet, and other punishments;" and although the punishment table of the prison in the last report may show a decreased number of prison punishments for prison offences, the Inspectors remark :—"We noticed among other indications that the *prisoners turned their heads and looked about*," (high offences under this system) "much more than used formerly to be the case."

Hence it would appear that a *strict adherence* to the classification and silent system, and a *high table* of disciplinary punishments, are *indissoluble*, whilst a *low table* and a *relaxed discipline* appear to be certain attendants, and most clearly supporting the sentiment that under the silent system prisoners are placed in tantalizing circumstances of temptation to break the prison rules, and then are visited with the penalties consequent thereon; and such is a prominent feature of our national system of prison discipline.

There were subject to the discipline of this prison, at the time of the last inspection, as before remarked, 920 prisoners.

	Males.	Females.	Total.
<i>Not in prison before...</i>	416	136	552
Once	161	46	207
Twice	56	27	84
<i>Repeatedly</i>	49	29	78
			<hr/> 920

The average number of prisoners in the gaol through the year 1844, was 1053. The number of *first offence convictions* brought under the influence of the diversified corrupting aggregation inseparably attendant upon the system were, 5802 juvenile and adult, out of 9378 prisoners confined during the year !

It will be for those who advocate the maintenance and continuance of such a system to form an estimate of the amount of *moral benefit* derivable from its penal application.

WESTMINSTER BRIDEWELL.

It has been observed that the Coldbath Fields prison is considered a "*pattern gaol*" for carrying out the silent and classification system. The Westminster Bridewell may be deemed also a pattern prison, both in discipline and construction;* repeated expressions of satisfaction having been made as to the manner of the discipline being carried out. The average number of prisoners for three years is about 408; the average number confined through the year, for three years, has been about 4893; and the average number of *first offence* committals has been 2468. An intelligent observer in passing through this gaol would discover that its discipline, from the constructional arrangements of the prison, might appear to be more *systematically* carried out, but there would be perceived all the evils to be noticed at Coldbath Fields, with *fully* the same opportunities for mutual communication.

Upon the discipline of this prison the Inspectors remark:—"The *silent system* is enforced only in the House of Correction part of the prison. In the gaol the prisoners are *left together by themselves in the dayrooms or yards*, and the only supervision to which they are subjected consists in such as can be exercised by a warder stationed in the room or at the door." "The prisoners in these yards are wholly unemployed, and as ordinary conversation among untried prisoners *cannot be prohibited so long as it is carried on without noise*, it is obvious that under such circumstances *moral contamination must take place, the old and the young, the hardened and the less guilty, being necessarily mixed.*"

At the semicircular departments of this prison would be seen the various superscribed classification subdivisions.

* In the construction of this gaol extraordinary attention was given that its general arrangements, its classification yards, dayrooms, various subdivisions, and dormitories, should be exactly adapted to carry out what, at that period, (about twenty years since) was considered to be a panacea in penal treatment,—the classification scheme,—and some of the leading members of the Prison Discipline Society took considerable interest in its construction, affording them, as it did, an excellent opportunity of carrying out *their adopted system*. The gaol cost about £200,000, and is estimated capable of containing 800 prisoners, or £250 per prisoner.

The *vagrant yard* would present, in itself, a world of pollution—further proving, most indubitably, the futility of any classification which can be adopted for a salutary purpose. Amongst those assigned to this section of the prison, the rigid scrutinizer of penal statistics would find degrees of guilt that could take the circuit of almost every subdivision in a classification gaol—characters which would baffle the sagacity of the clearest magisterial penetration to decide as to *which* department to assign them, if *character* and *crime* are to be the governing principles. There would be detected under the appellation of the vagrant the following diversities:—beggars, suspicious persons, gamblers, reputed thieves; those who may have been previously convicted of misdemeanor and felony; whilst the return transport might be also identified; and all these mingled together, and confined for various terms under summary convictions.

The *untried* department of the gaol would exhibit to the most superficial inquirer abounding evils, depraving to the morals of the the imprisoned. It forms a community of prison inmates, amongst whom the first rudiments of prison education in the arts of plunder are inculcated. There may be provision made for first offence committals: how can only the *first conviction* be proved? In the gaol to which the delinquent may be committed, there may be stated on the prison records the stature, the apparent age, the general characteristic feature and description, which may assign such to the “old offenders” department, but *no principle* of action can be laid down which shall be a preventative of the inevitable moral contamination which takes place between the “first time” committal and the old transgressor, to whom the walls of a prison are as familiar as his out-of-prison haunts of infamy and crime.

The Rev. J. Clay furnishes a graphic representation of the influence of the practical operation of the silent and associated system upon the *youthful transgressor*, in the following language:—

“Whether led astray for a moment by bad companions, or assailed by overpowering temptations, or driven by distress and hunger, or trained to vagabond and thievish practices, and in all cases with a mind totally unformed by education and uninfluenced by religion;—the child of fourteen, or ten, or even eight years old, is now

turned into a yard or 'dayroom,' tenanted by forty or fifty older criminals. Once here, his terrors of a prison soon vanish before the levity and merriment of his new companions; he finds the great objects and envy are the plunderers who can relate the most attractive histories of daring and successful robbery. Excited by these tales, he soon becomes ambitious of imitating the heroes of them. He is instructed in the arcana of the dreadful calling which he has entered upon, by some adept in the craft; and thus a few weeks or even a few days, before trial, have sufficed to convert the child, who, until the verdict pronounced at that solemnity, was accounted innocent in the eye of the law, into a hardened profligate, prepared and tutored for a course of iniquity, and determined to run it! There is no exaggeration in this sketch. Alas! no. I could furnish a hundred histories of misery and crime, springing from the pestiferous society of "*the untried felons' ward.*"

Track but the offender, the moment he comes within the grasp of the law, from the police lock-ups to the reception room of a gaol, and thence to the classification yard or day-room, to his work-room, and his dormitory, there will be met the same pernicious influence associated with every step he takes.

It is not intended in these pages to give in detail all the distinguishing evils of the classification discipline, but to present briefly a somewhat general view of the subject. If the intelligent inquirer were to traverse the Untried Misdemeanants' and the Felons' Ward, with *the drafted* occupants of the Convicted Misdemeanants' and Felons' Yards, with the notoriously corrupting day-room associations, he would find the system to abound with anomalies and inconsistencies which must excite universal astonishment at their long continuance, when their attendant consequent evils both to the offender and to society are duly considered.

The nature and operations of the classification and silent system might be shown, in a much more lengthened and extended view, but wherever its peculiar and distinctive forms are adopted, its evils are analogous.

It is asserted by those who endeavour to uphold the system, that, although they admit a man is not made better by the associations to which we have referred, he is not made worse.—Such advocates, however, are but *exceptions to the rule*. There are, indeed, to be found but few comparatively who are employed in carrying out the classification and silent system who do not most readily admit the *impossibility* of efficiently adopting it *for any beneficial purpose*; the assertion, therefore, is in itself so absurd that it carries with it its own refutation, and it would appear to be a waste of time to give it a moment's attention; but it has been the lot of the writer of these pages to hear—and that with no ordinary energy—such a proposition maintained, and by those importantly employed in enforcing the discipline.

Let the appeal be made to reason and to human nature whether, in the very order of things, there can be evil association and evil communication without morally evil consequences, greater or less in their degree.

Can criminals sit side by side for hours during the day, eat together, take exercise together, attend closely placed at the chapel together, sleep in the same dormitory (as many do under this system), without knowing each other—without communicating with each other? Fact and experience have most conclusively shown that it is a moral impossibility.

Mr. Bamford observes, upon prisoners communicating with each other under the Classification system:—"They talk from cell to cell through the ventilators and partitions; they talk while walking the ring, when on relief; and they talk while they walk in the yards. They make signs in the chapel. They are aware of new comers, and of the discharge of old prisoners, and even of the day when such discharge takes place; and they generally learn what goes forward in the prison;"—and the inspectors remark, in their third report:—"A paper, written by a prisoner, has very recently come under our observation, which states, not only he had learnt from a fellow-prisoner, whilst under the discipline of the silent system, the best modes of breaking into houses, and the instruments necessary for accomplishing that object; and also the names and addresses of houses where gangs of housebreakers assemble, and the

signs and pass-words by which admission may be obtained to them ; as well as the names and addresses of the receivers of stolen goods, where all kinds of plunder may be readily disposed of."

Here is indeed a sample of prison education, and it must be evident that the diffusion of morally depraving influence is identified with what is denominated the silent, or rather, the association and contamination system.

In the first report of the Constabulary Force Commissioners, evidence of the manner in which prisoners communicated with each other (*at the after public cost*) is supplied by the Rev. C. F. Bagshawe, the chaplain of Salford gaol. "One prisoner stated to me," remarks Mr. Bagshawe, "'prisoners communicate from yard to yard, and outside. Have learnt more in the prison than ever I learnt in any place in my life, and that is the reason would prefer 'solitary.' Has known six or seven depredations planned in this prison, and committed them myself when went out.'" It may be observed, that, at a late inquest, held in Coldbath Fields Prison, before Mr. Wakley, the coroner, the examination of a number of prisoners in that gaol being taken at length before several magistrates, it appeared that these silent system criminals knew the prisoner ; how long he had been in prison ; how long to serve ; how long he had been ill ; what his complaint ; and when he died ;—and on the learned coroner enquiring how they became acquainted with all these matters, the prisoners, who were examined separately, unanimously stated that they *had been told by other prisoners*.

These depositions were taken, as will have been observed, before several magistrates, who appeared only to learn for the first time that prisoners could communicate, and it has been recently discovered that it was attempted to transmit written communications from prisoners in one classification division of the gaol to another division, but they were intercepted.

It is needless to refer in this place to the character of prison officers, they may be of the very first class for maintaining discipline ; the evil is the harassing system they are called upon to uphold, the difficulty of doing so, and the irritating means employed for that purpose.

In passing through one of the prisons a gaoler remarked :—"it is most harassing to us to carry out this system, while it irritates and aggravates the prisoner;" and a gaoler in another prison observed, "if you were to have a warder to every prisoner they would communicate."

The object of the preceding variety of evidence, is to show how utterly useless, *for any corrective purpose*, is the adoption of classification; and how nugatory the attempted enforcement of silence to prevent the evils of corrupting communications, whilst *mutual recognition*, with all its *in prison* and *out of prison* associations, are maintained.

The mental physiologist may classify disordered minds. There may be the several departments for the idiotic, the imbecile, the melancholic, the raving; those subject to one or other class of mental delusions; and there may be also the department for the convalescent; and by such separations, and suitable treatment, with the various appliances of exercise, employment, and recreation, much may be done to contribute to mental relief and recovery. But to classify the moral disorders of the mind, the degrees of moral degeneracy; to classify depraved tendencies and inclinations;—to accomplish all these is a moral impossibility. The mental diagnostick may be conclusive; that of the feelings and the heart is hidden and unsearchable; and although it may be said the prisoner is classified according to crime, what reference can that possibly have to *real character*, so far as a *corrective* is concerned?

Livingston, one of the soundest of modern writers upon Criminal Jurisprudence, observes, upon Classification, that "the evident truth seemed not to have had proper force":—

"*First*—That moral guilt cannot always be discovered: it would be found that no two would be contaminated in the same degree.

"*Secondly*—If these difficulties could be surmounted, and a class could be found of individuals who had advanced exactly to the same point, not only of offence, but of moral depravity, still their association would produce a further progress in both—just as sparks produce a flame when brought together.

"It is not in human nature for the mind to be stationary: it must progress in virtue or vice. Nothing promotes this so much

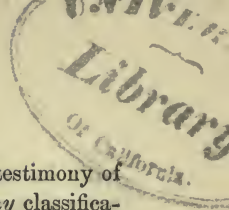
as emulation created by society, and from the nature of the society will it receive its direction."

"Whatever Classification may be adopted, it will be found," as Livingston further observes, "that every association of convicts that can be formed will, in a greater or less degree, pervert, *but will never reform* those of which it is composed; and we are brought to the irresistible conclusion that, Classification once admitted to be useful, it is so in an inverse proportion to the numbers of which each class is composed, and is not perfect until we come to the point at which it loses its name *in the complete separation of individuals.*"

Without going further into the details or analysis of the various classification amalgamations which could be illustrated, it may suffice to remark upon the general effects of the system as declared by undoubted authority—a British Parliamentary Committee, in 1832—their opinion being the result of the evidence given before them:—

"A House of Correction consistent with its name should offer the prospect of diminishing the amount of crime, either by the severity of its discipline, or by reforming the morals of those committed to it. In both these essential particulars many of our prisons are lamentably deficient. They hold out scarcely any terrors to the criminal, while, from the inefficiency of the control exercised over him, and the impossibility of separating the most hardened malefactor from those who for the first time find themselves the inmates of a gaol, they tend to demoralize rather than to correct all who are committed within their walls;" and upon Classification the committee thus remark, "it is hardly necessary to observe that any classification with the inadequate means provided by the gaol act, must be inefficient. That, in the case of the untried, it must associate the most hardened with those who may be guiltless, and that even an innocent man can hardly escape contamination." The committee proceed to observe, "that none but a moral classification can be effectual, but they fear that the difficulties which stand in the way of such a classification, whether as regards prisoners before or after trial, *are nearly insurmountable.*"

It has been justly said:—"To attain to *perfect* classification of character, it requires the exercise of A DIVINE INTELLIGENCE."



From proof the most unquestionable, and the united testimony of authorities the most distinguished, it is obvious that *any* classification of associated criminals which can be adopted, will not—can not, in the very nature of things—subserve the important intentions of penal infliction, and, as a term relating to the treatment of criminals, *should be for ever expunged from the vocabulary of penological science.*

In 1835, three years after the Parliamentary Committee had reported on secondary punishments, a select Committee of the House of Lords also reported upon the state of the several gaols and Houses of Correction in England and Wales; and the examinations opened up an enormous mass of evil.

That topic—GAOL ASSOCIATION—upon which reiterated remark has been offered, forms a prominent subject of observation by the House of Lords Committee. It is observed :—

“That the greatest mischief is proved, by the whole tenor of the evidence, to follow from the intercourse which is still permitted in many prisons. The comparatively innocent are seduced, the unwary are entrapped, and the tendency to crime in offenders not entirely hardened is confirmed by the language, the suggestions, and example of more depraved and systematic criminals. Every motive, therefore, of humanity, as regards the individual prisoner, and of policy, as regards the good of society in general, requires that the most efficient regulations should be established, in order to save all prisoners, and especially the untried, from the frightful contamination resulting from unrestricted intercourse.”

Such were the conclusions of a legislative Committee in 1835, and it may create surprise that such remarks should be called for, notwithstanding all the combination of individual, of associated and legislative endeavours to promote a better ordering of prisons, for nearly seventy years previous—a period which has most thoroughly tested the classification system.

If an impartial and deliberate examination be taken of the very brief and imperfect view which has been presented of *Classification*, with all its attendant evils and anomalies, and *Gaol Association*,

with its natural concomitants, will not every friend of humanity unite in the sentiments of the Inspectors of Prisons, which is most forcibly expressed in the following language :—

“APART FROM HIGHER CONSIDERATIONS, SOUND POLICY ITSELF DEMANDS THAT SUCH A SYSTEM SHOULD BE INSTANTLY RECTIFIED; FOR, SO LONG AS IT CONTINUES, SOCIETY IS NURSING A MORAL PESTILENCE IN ITS OWN BOSOM, AND MAINTAINING AN INSTITUTION IN WHICH ARE FORGED THOSE WEAPONS THAT ARE DESTINED TO BE WIELDED WITH FATAL DEXTERITY AGAINST THE COMMUNITY INSELF.”

REMEDIES.

Having entered at some length into many of the distinguishing and characteristic evils of our present gaol system, and endeavoured to show that it is deeply depraving to the prisoner and a positive evil to the community, this essay would be indeed imperfect without there were brought under notice some salutary remedies for our penal institutions.

It will be evident that the subject attempted to be treated upon is no light matter, it is one on which the legislature has again and again deliberated, and the inquiry may be with propriety made,—Has the adopted system, the result of legislative deliberation and enactment, fulfilled the intentions and justified the expectations of those who have taken an interest in the question of penal reform? Let the past history of penal legislation and *the practical working of our present gaol system* give the reply.

The remedies which should be applied for evils so extensive and involving such considerations should be simple in their application, and from their nature *such as a thorough acquaintance with the subject, and well tested experience, will justify.*

From the increasingly prevailing concern which is felt upon the subject of the proper treatment of criminals there appears to be an imperative demand upon the legislature to direct its profound and immediate attention to the question. In the important investigation

which was made of the state of our gaols and house of correction before a select committee of the House of Lords in 1835, evidence most voluminous, and declaratory of the deplorable condition of our prisons, was then adduced, and a number of resolutions was passed *intended as a corrective* to the enormous evils which were brought to light from the evidence given before that committee.

What were the main peculiarities of the proposed correctives ?

“That it is expedient that one uniform system of prison discipline be established in every gaol and house of correction in England and Wales.”

“That there be an entire separation of the prisoners, *except* during the hours of labour and religious worship, and instruction, *as absolutely necessary for preventing contamination*, and for securing *a proper system of discipline*.”

“That *silence* be enforced, so as to *prevent* all communication between prisoners, both before and after trial.”

“That the use of day-rooms as such be discontinued.”

These were the principal resolutions adopted by “the Lords’ Committee,” relating more especially to *discipline*. Other resolutions were adopted which had reference more particularly to matters of detail, and connected with *the due enforcement* of discipline in our gaols and Houses of Correction.

What have been the practical effects of this “*uniformity*” of discipline—the proposed *separation at night*, and *permitted association* “during the hours of labour, and religious worship and instruction?” Has “contamination” been “prevented?” Has the attempted enforcement of silence checked “all communication, both before and after trial;” has the use of “day-rooms, as such,” been discontinued; and has “a proper system of discipline” been “secured,” based upon these resolutions ?

May it not be most positively declared that “contamination” *has not been prevented* ?

That the attempted enforcement of silence *has not prevented communication*.

"That the use of day-rooms as such" *has not been "discontinued;"** and—

That, by the resolutions then passed, and the plans then selected for adoption, (although some evils have been corrected,) "*a proper system of discipline*" *has not been "secured."*

The last ten years' experience in penal treatment has unquestionably shown, that Classification being *essentially unsound in principle, no expedients* that can be adopted, *as supplemental to, or engrafted upon* that mode of discipline, can render it *efficient and salutary in practice*; and it is not too much to say that the prevailing discipline of our gaols, since the attempted improvements in 1836, have resulted in disappointment and failure.

It would be perfectly Utopian to imagine that, by the adoption of any system of penal treatment, repression and reclamation would be certain and uniform consequences. There are characters constantly passing through our gaols whom, it would appear, no mode of discipline will affect in any beneficial degree. "To think," as Livingston remarks, "that the best plan which human sagacity could devise will produce reformation in every case, and that there will not be numerous exceptions to its general effect, would be to indulge the visionary belief of a moral panacea applicable to all vices and all crimes; and although this would be quackery in legislation equal to any that has appeared in medicine, yet to say that there are no *general rules* by which reformation of character may be produced, is as great and fatal an error as to assert in the healing art there are no useful rules for restoring the general health and bodily vigour of the patient."

* Whilst this sheet was passing through the press, the Marquis of Westminster's Letter to the Magistrates of Dorsetshire came under notice, in the *Times* of 8th January, 1847, and, although no proof is absolutely requisite to sustain the correctness of the assertion, that the use of day-rooms, as such, has not been discontinued, the following remarks of the Marquis of Westminster may be considered an important corroboration of the truth of the declarations so frequently reiterated in these pages, of the injurious consequences of association in that department of the prison. The Marquis of Westminster, in commenting upon our present gaol system, adverts to "*the utter depravation of thousands sacrificed every year to the infallible destruction of the day-rooms.*"

Let an examination be made of that system which, *in its very nature and application*, tends to vitiate and deprave, and the practical operations of another system which both *fact and experience* have proved in their effects to be preventive and reformatory. The penal economist will then be able to determine what mode of discipline will best harmonize with the intentions of the law, its beneficial influence upon the offender, and that will offer the largest amount of guarantee for the security of society.

These essential and constituent elements in penological science should be strictly regarded, whilst the *means to be employed should be in perfect consistency with the ends sought to be attained*.

What then are the remedies suggested as a corrective to the widely extended evils of our prevailing gaol system, operating as it does both upon the imprisoned and upon the community, and the nature of which has been but briefly and imperfectly brought under review. The following is the basis on which the subsequent propositions rest :—

THAT IT IS EXPEDIENT ONE UNIFORM SYSTEM OF PRISON DISCIPLINE BE ESTABLISHED IN EVERY GAOL AND HOUSE OF CORRECTION IN THE UNITED KINGDOM.

No originality is claimed for this proposition ; it was, as must have been observed, the leading resolution of the House of Lords' Committee in 1835, and was the link to which were appended all the other resolutions of the important committee referred to. There will be an endeavour however, to exemplify, sound as that resolution was as a governing principle, that it was rendered *entirely inoperative* by the *very system of discipline* which was recommended by that committee as the system which was to be *uniformly established*.

There is no desire for a moment to appear to reflect upon the wisdom and judgment of that distinguished committee in the conclusion at which they arrived and the resolutions which were adopted, involving, as they did, regulating principles for the discipline of our gaols ; but it cannot be otherwise than a source of deep regret and disappointment to the members of that committee to find that at the present period, after the laborious investigations which took place,

investigations more ^{7*} extended and varied than had ever been taken before a parliamentary committee upon the subject of penal treatment, those labours have terminated in failure of the objects contemplated by that committee.

Some concise references as to the practical effects of the uniformity of discipline then proposed will but too clearly prove that our prisons, with their prevailing discipline, exhibit *an uniformity of incongruities and "deviations" utterly at variance with the intention of the committee, and contrary to legislative enactment.*

Without taking an extended view of this branch of the question, reference need only be made to some of the metropolitan prisons, and to a few examples as furnished in the last or tenth report of Inspectors for the Home Districts.

CITY PRISONS.—NEWGATE AND GILTSPUR STREET COMPTER, &c.

No other additional notice will be required in relation to these City Gaols than has already been given to show how those who were more especially responsible for their supervision and management have totally disregarded legislative enactment as to the proper conducting of these penal institutions.

COLDBATH FIELDS PRISON, CLERKENWELL.

If supervision by prison officers could accomplish the intentions of legislative enactment, with regard to the discipline which was to be for uniform adoption, it would certainly be carried out in this extensive penal establishment; but what is the result, after ten years' experiment?

Such are the palpable imperfections of the silent system, attempted to be carried out in this gaol, that the Inspectors refer to "the deviations" absolutely necessary to be made with a view of conforming *to circumstance and exigency.*

"The classification of prisoners, *as required by law, is in practice much deviated from in this prison, both from local circumstances and for convenience*; we subjoin" continue the Inspectors, "the

cases of deviation as enumerated in the governor's certificate declaring how far the prison rules have been complied with, and delivered to the Court of Quarter Session, in accordance with the Act 4 Geo. IV., c. 64. s. 21."

The attention of the reader is especially drawn to the enumeration of some of these "deviations."—The following descriptions of prisoners are associated together :—

"Old and infirm men of various classes," (without any regard to character or crime,) "owing to the care and attention which their infirmities required."

"Boys committed for unlawful possession of property," (having previously been committed) "have been imprisoned with boys imprisoned as reputed thieves," (vagrants, misdemeanants, and felons,) "there being only *a nominal*" (an important admission of the governor) "distinction between them."

"Persons of *all classes*, males and females respectively, are employed to pick oakum, coir, &c., *in one large room*, sitting, however, together according to their respective classes.

"Women employed in the laundry and wash house *have been selected from various classes, suited to the employment*, whose conduct has been satisfactory."

WESTMINSTER BRIDEWELL.

"The silent system is only enforced in the House of Correction part of the prison. In the gaol the prisoners *are left together by themselves, in the day-rooms or yards*, and the only supervision to which they are subjected consists in such as can be exercised by a warder, stationed in the room or at the door.

"The prisoners in these yards are wholly unemployed; *and as ordinary conversation among untried prisoners cannot be prohibited so long as it be carried on without noise*, it is obvious that under such circumstances *moral contaminations must take place*—the old and the young, the hardened and the less guilty, being necessarily mixed. The number of prisoners on the gaol side was low, viz.:—21 males and 2 females. Of the former, 2 deserters and 6 prisoners, for want of sureties, were together in one day-room, and 3 remanded prisoners, charged with stealing, in another. The rest were more distributed."

HORSEMONGER LANE.—SURREY COUNTY GAOL.

“The material defects of the prison construction remain as at the time of our second report (1837), and, as therein described, are such as to open a variety of channels *for the spread of that moral contamination which the Gaol Acts were intended to prevent.*”

GUILDFORD.—COUNTY HOUSE OF CORRECTION, SURREY.

“The size of the prison is insufficient for the number of prisoners usually confined in it, *unless by the constant infringement of the legal classification*—whatever may be the pains taken to preserve it. The shifting or mixing of classes, according as there may be more or less vacant space in any particular one, is, in fact, a matter of constant occurrence; but what is of far greater importance is, that *three or four prisoners are as frequently placed together in the same (night) cell.*”

What conformity is there here to the “Gaol Act” requirements?

KINGSTON-UPON-THAMES COUNTY HOUSE OF CORRECTION, SURREY.

“The prisoners continue to associate in the workrooms by day, and in the dormitories by night. In the former, the silent system is rigidly enforced by the presence of an officer, but in the latter, there exists no kind of supervision, except from occasional visits of the officers up to ten o'clock; consequently, the good which may be effected in checking intercourse during the day *is undone at night.*”

COLCHESTER BOROUGH GAOL, ESSEX.

“*The legal classification of the prisoners is not professed to be observed.* Indeed, the profession would be futile; the governor regulates this, as well as the state of the numbers with reference to what the prison accommodation will permit.”

BEDFORD COUNTY GAOL.

“There are seven yards, and *nominally* as many classes; but the observance of any legal classification *is admitted by the governor to be essentially dependent upon the state of numbers.*”

Without encumbering these pages with further extracts, will it not appear from the few examples furnished, *only from one district* of prison inspection, that, notwithstanding parliamentary resolutions and gaol enactments, our prison system in its proposed uniformity of application is, as it has been remarked, an uniformity of incongruities, that legal enactments are a dead letter, and it would be more consistent to give at once a carte-blanche to all governors of gaols and houses of correction to make such "deviations" from legislative enactments as they, in their judgment, may deem fit, "according to local circumstance and convenience."

Would not the merest tyro in penological science at once maintain that, in all the vast penal machinery in operation for working the classification and silent systems of discipline, with the "deviations" to which reference has been made, (and more numerous examples could be given,) there is *a complete breaking down of the system*, presenting, as it does, anomalies most unaccountable, most inconsistent with the spirit of the age, and reflecting no credit on our wisdom in penal legislation?

What method of treatment then is most simple in its nature and most effectual as a remedy in application, which can be proposed as an antidote to the existing evils of our penal system?

Will the City of London gaols, *with unrestricted association*, furnish examples for imitation?

Will Coldbath Fields, Westminster Bridewell, and other gaols which have been alluded to in the extracts antecedently given, supply from their system a panacea—a system which can only be upheld (and not then in its integrity) by hand-cuffs and irons, whippings, dark cells, solitary cells, stoppage of diet and other punishments.

Will a kind of *semi-separation* be proposed, part association, part separation; separation for a certain period and then classification, according to "*good conduct*," at magisterial discretion? That experiment has been tried, *and failure was the result!*

An authority on which some reliance can be placed will supply interesting and satisfactory testimony upon these subjects. Sir G. O. Paul, before the Parliamentary Committee, in 1811, on Penitentiary

Houses, stated, that "the confinement in the first class *uniformly* produced the most promising effects; the solitude (or separation) induced the prisoners to pay more attention to their work; the moments of relaxation from labour were willingly devoted to reading and meditation. But, on their admission to the second or third class, *in which they were allowed to work in companies*, the impression made on their minds during their former term of seclusion was *immediately obliterated* by an idle conversation taking place between such associates."

There is no salutary mode of discipline, then, to be derived from such a principle.

Surely there will be no importation of ideas upon penal treatment from Auburn, or from Sing Sing, on the banks of the Hudson—a discipline which, it is confessed, cannot be sustained without the *cat*, the *douche*, the *solitary box*, and *other punishments*?—all these methods of treatment having, in a greater or less degree, that aggravated evil, as a constituent principle, so much to be avoided—GAOL ASSOCIATION.

Is, then, *gaol association*, in all its varied forms, *the foundation* of the evil of our prison system? Unquestionably it is. What, then, is the *alternative* as a *fundamental corrective*?

IT IS INDIVIDUAL IMPRISONMENT.

THE ENTIRE SEPARATION OF PRISONERS BY DAY AND NIGHT DURING THE HOURS OF LABOUR, RELIGIOUS WORSHIP,* INSTRUCTION, AND EXERCISE, AS ABSOLUTELY NECESSARY "FOR PREVENTING CONTAMINATION," AND "FOR SECURING A PROPER SYSTEM OF DISCIPLINE."

* Religious worship and instruction are justly considered as importantly connected with a proper and reformatory system of prison discipline, and the writer would desire to express no sentiment that should appear to undervalue any arrangement in prison regulations by which it is at present attempted to be promoted, but the ensuing remarks are advisedly offered.

In the course of prison visitations, it has been an opinion expressed by the superior officers of some penal institutions that the week-day services of the chapel, of reading of prayers, might to advantage *be dispensed with*. Chaplains themselves have stated that opportunities are afforded, by the gatherings of prisoners at the chapel service, for free and unrestricted communication *during the responses*, which the most vigilant supervision cannot prevent, and that, from the frequency of the service, it is gone through in a merely mechanical and listless manner.

The interruptions to the general discipline of a prison, by the "ringing

It will be observed, the *only difference* between *this* proposition and the resolution of the Lords' Committee, in 1835, is—

SEPARATION *instead of* ASSOCIATION ;

a vital difference, in which is contained *the whole secret* of the failure of securing a sound system of penal treatment.

The writer of these pages can readily imagine that the nervous and the timid—and, may it not be said, the prejudiced and the misinformed—may startle at this proposition, but let the question, involving, as it does, high and important consequences, *be fairly and fully grappled with, in all its lengths and breadths*; the public and the legislative mind should not be led away by surmises, inuendoes, and conjectures. Let the mode of treatment proposed as the one and the primary remedy for the evils of our gaol system *be strictly examined by the test of experience*.

Where has *separation*, as a principle of penal discipline, been adopted? What are its results? What is the testimony in relation to it? Let it receive adoption or rejection according to the rules by which other governing principles are approved or discarded.

By such rules and by such evidence, *individual imprisonment*, as a mode of penal action, both

FOR THE UNTRIED AND FOR THE CONVICTED,

is now commended for legislative consideration and adoption.

A difference of opinion prevails with regard to the adoption of sepa-

of the bell for prayers," the marching to and from chapel, and *this periodical relaxation* from prison labour by those who are subjected to that treatment, with the facilities which are afforded by these daily meetings, is considered to be fraught with consequences more pernicious, more mischievous (engaging, as it does, about one-sixth of the entire week-day occupation of the prisoner), than the amount of good obtained by this branch of religious exercise.

It has been thought that if "daily prayers" were to be entirely dispensed with the discipline of the prison might be carried on with more satisfactory uniformity, and chaplains would have increased means for personal and more direct visitation.

It has not been intended, in the observations offered in these pages, to *enlarge at all upon matters of detail* connected with prison discipline ;—this reference may be considered as the exception.

ration for juvenile delinquents ; and although, from observation, the writer might be disposed to favour the application of the principle to that class of offenders, he is unwilling to urge the necessity of this plan as a general mode of treatment to such transgressors, least he should detract from the importance of its application to *adult criminals*; the example, however, which can be furnished, as the result of ten years' experience at La Roquette, near Paris, supplies testimony highly favourable upon the question. At that place of detention all juvenile offenders, under sixteen, being declared "incapable of judgment," or in a degree irresponsible in the eye of the law, are acquitted of the offence charged against them, but are subjected to correctional education, not to extend beyond their twentieth year. The subjects of this "correctional discipline" are subjected to two years' separate confinement, which may be considered a *probationary discipline*, and are then either drafted to Metray, a most admirable institution, for further industrial occupation, or are placed under the surveillance of the members of the Society of Patronage, an association truly benevolent in its operations.

On the occasion of a recent visit to La Roquette, the writer had the most unrestricted opportunity afforded to him for the fullest examination of the effects of separation upon the youthful offender, and there was nothing presented, in the course of that examination, prejudicial to that mode of treatment.

The youthful inmates of La Roquette appeared healthy, cheerful, and intelligent, and were all pursuing their various industrial and trade avocations in their separate rooms or workshops.

The following extract, from the report of the Prefect of Police to the Minister of the Interior, is extremely interesting, respecting one of the boys under that regime:—"We have recognised," remarks the Prefect, "and clearly shown, the immense advantages resulting from the application of the separate system of imprisonment, both with regard to the scholastic education of the children and their instruction in trades and handicrafts. We cannot give a better testimony to the well-being they experienced generally than in the words of one of them, who told us, 'that, having yet fifteen months to remain, he might, from a natural love of liberty, desire his

freedom, but that, if he consulted his true interests, *he should prefer to double the time.*

“This speaks in favour both of the discipline and the child.”

The separation of young offenders has come under personal observation at Preston, Knutsford, and Reading; and at Glasgow satisfactory testimony is offered in relation to the application of that mode of discipline during the late Mr. Brebner's management of the prison.

Without a lengthened notice of *the opinions* of distinguished jurists who have both ably written and spoken in favour of the separation of criminals from each other, as being in its nature and tendency most adapted to fulfil the intentions of penal law, which is, “to deter and to reform,” it may be more satisfactory to adduce evidence of *the application* of the principle of individual imprisonment *in its practical operations and consequences*, which are, therefore, shown briefly as follows:—

PETWORTH HOUSE OF CORRECTION, 1782.

In this prison, at the period adverted to, separation was adopted, with satisfactory results, upon which the Inspectors of prisons, in their third report, remark:—“We find, under the operation of the separate system in these prisons (Horsham, Petworth, and Gloucester), committals to them became *unprecedentedly few*, and *re-committals* almost disappeared.

“We find *the health* of the convicts excellent, *their mental faculties* unimpaired, *their labour* cheerful and constant, *their behaviour* orderly and submissive, and *their religious instruction* carefully attended to, and *with the happiest results*.

“When the system was broken in upon, and suspended by the influence of numbers, for which it was impossible to provide separate apartments, *the reverse of all this took place*, and was succeeded by insubordination; labour, instead of becoming voluntary, became distasteful and constrained, and religious instruction, with all its desirable consequences, was either neglected or became inefficacious.”

A natural result of gaol association!

GLOUCESTER PENITENTIARY, 1793.

Reference has already been made to Sir G. O. Paul. This gentleman was examined before a Parliamentary Committee, in 1819,

on which occasion he gave the following evidence—the result of *seventeen years* observation of *separate confinement*:—

“Although I have to acknowledge, in common with other theorists, that, on the whole design, I have imagined more than has been, or perhaps could be brought into practice, *yet not so* with regard to our Penitentiary House;—*that prison succeeded beyond the theory imagined by the original projectors of the system; far indeed beyond my most sanguine hopes.*” Upon the conduct of the prisoners Sir G. O. Paul further observes:—“During the seventeen years that I particularly attended to the effects of this prison I ever found its inhabitants orderly, obedient to the discipline, and resigned to their situation: *few, if any of them, returned to a second punishment during that period of my attention.*”

GLASGOW BRIDEWELL, 1824.

In this gaol the principle of separation was adopted in that year, under the able superintendence of its humane and intelligent governor, the late Mr. Brebner.

In the first report of inspectors of prisons for Scotland, 1836, reference is made to the adoption of individual imprisonment twelve years previous: it is observed—“The two great principles of separation and constant employment are here carried into effect. Through the whole period of his” (the prisoners’) “confinement, he scarcely ever sees the face or hears the voice of a fellow-prisoner; and this total seclusion from the corrupting society of his companions is brought about without the infliction of great mental suffering, or severe pain of any kind, as is proved by the fact (of which there is little doubt) that the prisoners enjoy as high—nay, a higher degree of health, while in the Bridewell, than persons of the same class of life do when at large; and, instead of being a heavy burden upon society, and, among others, upon the poor honest labourer, who with difficulty spares the smallest contribution in the form of taxes, the prisoners in the Glasgow Bridewell earn by their labour nearly the whole of their maintenance, including also the salaries of those officers whose superintendence they have rendered necessary by their own acts.”

After Discharge from the Bridewell.

“Many of those who have been sent to the Glasgow Bridewell as criminals are now known to be maintaining themselves in a reputable manner by their own labour, and doubtless many of these acquired the means of so doing by the practical instruction they received in the Bridewell.”

General Results.

“Upon the whole, the experiment of the Glasgow Bridewell has been very successful, and offers great encouragement for the further development of its principles, and the removal of the causes which impede its operation. The prisoners, instead of being further corrupted by idleness and evil association, as is the case in almost all the other prisons in Scotland, are, to a great extent, insulated from each other, and engaged in useful and productive labour, by which their habits are improved, the greater part of their costs defrayed, and means are afforded them (at least, to those who remain a sufficient time), on their return to society, to support themselves in an honest and creditable manner; and, while this is going on, *the health of the prisoner is also improving*—so that unmixed good appears to be the result.”

In the third report, 1838, the Inspector for Prisons in Scotland intimates, “that the continued expence of the separate system has confirmed my conviction of its reasonableness and efficacy; and I am more and more satisfied that, while, on the one hand, it prevents the danger of corruption, arising from the association of criminals, it is not, on the other hand, attended with gloomy depression of the mind, or baneful effects on the health, and that it places the offender in that position in which there is the least opportunity for cultivating the higher feelings of his nature, and raising his ideas to new and superior objects.”

Voluntary Prisoners.

“The following striking fact proves that the separate system is not always, at least, productive of the painful sensations that have been attributed to it. There are, at the present time, five inmates of the Glasgow Bridewell who are there of their own free will—some of them having asked permission to remain after the expiration of their sentences—and others have petitioned to be admitted. It

may be said, indeed, that this fact proves too much, for that a prison ought never to become a place of attraction; it appears to me, however," continues the Inspector, Mr. Hill, "that those who are willing to bear the restrictions and labour of such a prison as the Glasgow Bridewell must be in so destitute a state as to be under strong temptations to crime, and it is therefore fortunate when they give up their liberty for a time."

Idiocy, Insanity, and Suicide.

"It has been frequently charged upon the separate system that it tends to produce idiocy, insanity, and suicide. I have made particular inquiries," continues Mr. Hill, "on these points." Mr. Brebner, the governor, reported, "that, during the twenty-five years that the Glasgow Bridewell had been under his charge, not a single instance of idiocy or insanity has arisen."

"There have, indeed, been nine cases of suicide; but, considering the large number of prisoners, the dissipated habits of criminals, and the great length of time over which these cases have spread, the number will, I presume, appear to most persons less than might have been expected. Mr. Brebner states that most of these cases occurred within a few days after the prisoner was admitted, and the last instance of suicide occurred two years ago."

Concluding Observations.

Mr. Hill, in his report for 1845, enunciates the following principles:—"The more I reflect on what has passed under my observation during the ten years I have held my appointment, and the more I learn of the experience of others, the more I am convinced that it will be found, on a close and thorough investigation, that, in the treatment of criminals, as in many other matters, the best promptings of our nature—those proceeding from a Christian spirit of love and charity—are in accordance with the most profound principles of philosophy.

"I recognise and fully maintain the principle that the great object of improvement is to deter from crime, and that to this effect it is quite necessary that the offender be placed in a less comfortable position than the honest portion of the community; but I am also of opinion that for this purpose artificial punishment is wholly unnecessary—indeed, that it tends to defeat the object of improvement, and to increase crime, by rousing the bad passions of the prisoners,

and exciting in them a desire, on their liberation from confinement, to revenge themselves upon society ; while it is wholly uncalled for, since the means necessary for breaking down bad habits and forming good ones, *together with the separation of the offender from depraving society during this process* (which is necessary, to guard the country from a recurrence of his misdeeds), entail such an amount of pain as to make the offender's condition one of much suffering, and the very reverse of enviable."

WESTERN PENITENTIARY, PENNSYLVANIA, 1826.

The Inspectors of this institution, in their report for 1842, stated, "They were determined, *without any preconceived prejudices* for or against the system, to carry out, as far as practicable, the provisions of the law ; *to give it a fair trial*, and report whether favourable or otherwise, to that authority which alone possess the power to alter or amend. Our opinions have long since been known, and we now repeat (after sixteen years' observation) *that our confidence in the wisdom of our code remains unshaken*, and that, so far as regards the Western Penitentiary, *its beneficial results are beyond all cavil*."

"Kindness and encouragement, with moral and religious instruction, are uniformly extended to the contaminated victims of sin and folly who come within its sphere, and every incentive to a thorough reformation are inseparable objects of our system."

In the report for 1845, the same Inspectors, after *nineteen years'* testing the operations of the separation of prisoners, with employment, and moral and religious instruction, in further confirmation of their previous evidence of the healthful tendency of the system, observe that:—"They have repeatedly given their testimony on behalf of the *separate system over all others*, not only as regards the unhappy subjects of its discipline, *but as relates to the great community at large*."

EASTERN PENITENTIARY, 1829.

In the report of the Inspectors presented to the Senate and House of Representatives for 1845 it is stated, "that, after sixteen years' experience, with the adoption of such improvements as such experience has suggested in the practical operations of separate con-

finement with labour, all that its founders and early advocates predicted would ensue from its adoption has been fully realized. They reiterate the opinion expressed in a former report that it is the only mode by which punishment, discipline, and reform have been engrafted on a penal code, secured to society, and administered to the convict."

PENTONVILLE PRISON, 1842.

This important penal establishment, it is well known, is called the model prison for the adoption of the separate system of imprisonment. Its erection may be considered as mainly attributable to the present noble premier, Lord John Russell, when Secretary of State for the Home Department.

The fourth report of her Majesty's commissioners appointed to exercise a supervision over the discipline and management of this prison is now published, and it will not occupy much time to show that the discipline pursued at Pentonville Prison has justified the expectations of those more particularly identified with its management.

Conduct of the Prisoners.

"There is throughout the prison *a spirit of contented and grateful obedience and of cheerful industry*; and at the general monthly inspection by a commissioner, *there is almost a total absence of complaint*. The prison punishments are few, and their efficacy is marked by the absence, in most cases, of any necessity for their repetition. There has been *no occasion* to resort to *corporal punishment* since the prison has been opened."

Health.

"The medical officer, to whose ability and unwearied zeal" the commissioners "take the opportunity of bearing testimony, reports that the general health of the prisoners has been excellent during the past year."

An opportunity was recently afforded to the writer of a personal examination of a large number of the probationary convicts from Pentonville Prison, just before their departure as "exiles" from this country to Port Philip, and he can most unequivocally and con-

scientifically declare that those prisoners, for physical health and mental vigour, would *most fully* compare with the same number of prisoners found in any of the metropolitan gaols. There did appear a quickness and intelligence which presented to his mind a remarkable contrast to the sullen moroseness exhibited by prisoners in silent system prisons which also came under his inspection.

Geelong Emigration Society.

This association bears highly favourable testimony to the good conduct of the "exiles" on their arrival at their destination at Port Philip:—"The committee have much pleasure in being able to state, that the men landed from the 'Sir George Seymour' are generally reported to have conducted themselves very well, and behaved in an orderly and respectful manner.

"From the experience of several members of this committee, and from the best private information the committee are able to collect, they have every reason to believe that those gentlemen who have employed the exiles by the 'Sir George Seymour' entertain a very favourable opinion of them.

"The men by the 'Sir George Seymour' have been generally unexceptionable in their conduct and respectful in their demeanour, and have been found useful and efficient workmen.

"Several members of this committee, and many connected with the Geelong Emigration Society, have employed the exiles by the 'Sir George Seymour,' the majority of whom are still in the service of their original employers."

Demand for Exile Labour.

Adverting to the exiles from Pentonville embarked in "The Stratheden," the commissioners remark:—"No greater proof can be shown of the estimation in which the conditional pardon men are held at Port Philip than that all the men were hired from the ship at £20 per annum, with their rations (one man obtained £35, and one even £50); and that, had he (the surgeon superintendent), been entrusted with 500, instead of 50, he is certain that he could have procured them masters in one week. A gentleman who had hired some of the men from the 'Sir George Seymour,' engaged 10 more from 'The Stratheden.'"*

*With respect to the exiles sent to Van Diemen's Land the accounts are not so favourable, but it will not require a moment's reflection to perceive

Concluding Remarks of Commissioners.

The concluding remarks of her Majesty's commissioners for Pentonville Prison, as published in their report for 1846, will not fail to be perused with interest, and will leave its own stamp on the mind of the reader.

"In our second report, dated the 10th March, 1844, we recorded our impressions in the following manner:—

"We have felt it our duty to institute a searching investigation into every part of the discipline of the prison, and we can refer, with feelings of unmingled satisfaction, to the present bodily and mental condition of the prisoners generally. The rate of mortality has been remarkably low. There exists abundant proof of the religious and moral improvement of the prisoners, among whom a cheerful spirit of industry prevails. While these benefits have been conferred, the corrective influence of the discipline has been strictly maintained, and the penal character of the discipline has not been sacrificed to objects of reformation. In reviewing, therefore, the whole of the circumstances bearing upon the state and condition of the prisoners, we have no hesitation in expressing our satisfaction at the results of the discipline. We are of opinion that the adoption of separate confinement, as established at Pentonville Prison, promises to effect a most salutary change in the treatment of criminals, and that it is well calculated to deter, correct, and reclaim the offender."

that *employment is essential for thoroughly* carrying out the intentions contemplated by *probationary discipline* and granting "conditional pardons."

The exiles sent to Van Diemen's Land are thus referred to:—"It is with great regret we have to state, with reference to the prisoners who were landed in Van Diemen's Land, that they were placed, on their arrival, in circumstances so unfavourable to a continuance of good conduct, that there is reason to fear the benefits they had unquestionably derived from the discipline and instruction of Pentonville Prison have, in a great majority of cases, been nearly effaced.

"The want of employment for ticket of leave and probation pass soldiers in that colony, the social degradation and contaminating influences to which they were exposed, and the disheartening difficulties with which they had to contend in Van Diemen's Land, sufficiently account for the unfavourable results to which we have referred—especially when contrasted with the advantageous settlement and exemplary conduct of the exiles in Port Philip."

If a body of men, whose *former* habits and character might be far less exceptionable than those Pentonville exiles, were placed in the midst of *any* community in which they would be unable to obtain employment, and be exposed to influences both degrading and contaminating, would not the results be correspondent?

"We concluded our third report (1845) by strongly urging the advantage of the separation of one prisoner from another *as the basis and great leading feature of all prison discipline.*

"The experience of another year (1846), strengthened by the highly gratifying accounts which have been received as regards the conduct of the prisoners who have been sent abroad, both during the voyage and subsequent to their arrival in Australia, has more than ever impressed us with the value of this corrective and reformatory system of prison discipline; and that the separate system, as enforced at Pentonville Prison, IS SAFE AND EFFICIENT, AND CAPABLE OF GENERAL APPLICATION."

These sentiments, contained in the report for 1846, received the attestation of the following distinguished individuals:—Lord Chichester—C. Shaw Lefevre, Esq., Speaker of the House of Commons—Sir Benjamin Brodie, M.D.—Herbert Ferguson, Esq., M.D.—Major Jebb, R.C.E.—William Crawford, Esq.—Rev. Whitworth Russell—Benjamin Hawes, Esq., M.P.—Joseph Henry Green, Esq.

PRESTON HOUSE OF CORRECTION, LANCASHIRE, 1844.

The zealous and devoted chaplain of this gaol, the Rev. J. Clay, has for several years published most interesting statistical details in connection with the discipline of this prison, and, as the result of his own observations from his important official position, with the treatment of criminals, has for more than twenty years advocated their separation as a mode of penal action.

In the last report of that gentleman there is, however, reference made to the *deviations* from the principle of separation *by daily recognition at exercise and religious worship.* Some allowance may be, however, made for the non-adoption of *the entire principle* of separation from constructional inconveniences, and a desire on the part of the magistracy, at the period of the introduction of separation, rather to try the experiment by the deviations referred to; still, the beneficial results of the discipline at Preston Gaol, so far as it is applied, by cellular separation, is so manifest over the former, or *associated* system of discipline, as to be entitled to especial notice.

Mr. Clay states:—"For more than twenty years, I have seen a House of Correction operating as a seminary of sin; and wherever the association of prisoners is permitted, there the work of corruption

is still going on. Let us look at the result of separation, and we shall find the moral condition of the discharged prisoner now in the most happy contrast with what I have attempted to describe. The prisoner is not now dismissed from his confinement with an imagination heated by the tales of successful plunder which he has heard in 'the yard,' and with a determination to rival the exploits of Turpin and Sheppard. Now, instead of exciting others to crime, he is himself ready to forsake it. He has no stories for his acquaintance redolent of treadmill and trial yard; but when he speaks of prison, he speaks of stern and wholesome restraints, of friendly admonition, of the good thoughts which came into his mind when alone in his cell, of his grief for the grief he has caused those who have loved him, of his penitence for his faults, of his prayers for forgiveness, and of his resolution, by God's grace, to sin no more."

These are some of the beneficial effects of cellular separation.

Very gratifying results are shown of *the diminished numbers of re-committals* under the operation of separation, relating to all classes of offenders, from the burglar transported for life, to the *infirm beggar* sentenced to seven days' imprisonment, and in which are noted all previous committals (so far as that gaol is concerned), however distant in point of time. These, also, have been brought down to an extent sufficient to prove that, even upon "old gaol birds," a better system of treatment is producing the desired effect. The decrease may be thus exhibited:—

Years	1843	1844	1845	1846
Re-committals.....	659	554	476	308

or a decrease of $53\frac{2}{10}$ per cent. of re-committals from 1843;

and, whilst there are various causes which contribute both to the increase and decrease of re-committals, yet, by a reference to the tables of congregated system gaols in the county of Lancaster, and of Preston in particular, in which separation is adopted, the balance is in favour of separation, in comparison with four gaols;—from the lowest, 71·4 per cent.; from the highest, 31·5 per cent.; or an average of 45·5 per cent. upon the whole. The advantage is most obvious.

There is, however, in connection with cellular separation, as adopted in the Preston House of Correction, a *decided infraction* of the principle of *entire* separation—on which the writer cannot withhold a remark or two.

It has been observed, that daily recognition (although direct association is prevented with a portion of the prisoners) is suffered, both during daily exercise and at the daily prayers.

No one can more strenuously maintain than Mr. Clay does the importance of the separation of prisoners from all corrupting influence, still there is permitted the opportunity for daily mutual recognition—an evil so extensively admitted, connected with unrestricted association and silent system discipline, that it cannot be lightly passed over in this place; and, whatever *feeling* may be brought into the question, as to keeping alive the gregarious *dispositions* of the prisoner, there must not be a compromise of the soundness of separation, the long practical operations of which have shown that *no such innovation* is necessary, either for the mental or physical health of the criminal.

In the various visitations of the writer to prisons, both at home and abroad, where the principle of separation has been adopted, entire deprivation from the *sight*, as also the companionship of prison associates, has been regarded with thankfulness. “No one knows me,” said a prisoner in the Eastern Penitentiary, at Philadelphia; “no one can know that I am here. I will pursue an honest course when I get out. This prison has done me good; but the world knows nothing about me.”

“As to associated public worship,” remarks Professor Lieber, “we are opposed to it on principle. I doubt not but, now and then, a convict would derive benefit from it, but what benefit compared to his having *been seen by others, and riveted to the horrid chain which unites the criminals*. We are cruel by thus exposing the convict.”

It would occupy too much space to go into the argument at length against the evils of recognition; but will it not be apparent that, by it, *the bond of union* is kept up between criminal minds, which, in the very nature of things, must be fraught (as can be clearly demonstrated) with consequences alike pernicious to the *untried prisoner* and the *novitiate in crime*? The object of separation is to *sever* that bond of association, and to alienate, as much as possible, all thought of past pursuits and past associations,

condition of the prisoners, as to morals, discipline, employment, hard labour, and observance of rules, upon which the visiting justices are required to deliver a report, they desire to express a perfect conviction that the superior construction, arrangement, and adaptation of the new gaol at Reading, have been the means by which, under the strict attention of the governor, the chaplain, and the officers of the gaol, the regulations *have been so beneficially enforced for the preservation of the health of the prisoner, and that, with respect to their morals and discipline, every requisite has been attained which can rationally be expected to command a salutary influence and control.*"

A short extract from the Inspectors' report is added to the preceding.

Of SEPARATION as promotive of *industrial habits* it is observed:—"The records of this prison undeniably prove, that separation, as a system of discipline, is highly conducive to the acquirements of habits of industry, both physically and mentally, and disproves any idea of a prisoner passing his time in idleness. We believe that mental idleness is too irksome to be easily borne in separate confinement, especially when there is any considerable development of intellect: the consequence is, the prisoner reads with avidity the books placed at his disposal."

Of SEPARATION, as to its effects *mentally and morally*, it is also remarked by the Inspectors:—"In no particular were we more thoroughly convinced of the superior excellency of the system of separation over every other than in its effects in the mind, predisposing to the reception of education and moral training. The prisoners, at the period of our inspection, gave good evidence of the truth of this statement, and the journal of the chaplain and schoolmaster fully attested similar results respecting those whose terms of imprisonment had expired."

A SILENT SYSTEM DISCIPLINE DEPUTATION ON SEPARATION, 1844.

Such had been the instances of revolt and insubordination at Sing Sing Penitentiary, in the state of New York, which is conducted upon what is termed the Auburn, or silent system, that a deputation was appointed to view the Eastern Penitentiary, and to report the

result of their observations upon the nature and operations of the separate system as there in exercise.

The deputation "were forcibly struck with the contrast between the order and decorum that prevailed" at the *Separate System Prison*, at Philadelphia, "and the confusion and disorder that reigned" at the *Silent, or Auburn System Penitentiary*, at Sing Sing.

At Philadelphia "there were none of the evils which were witnessed in our (silent system) prisons. There was abundant opportunity for thought and reflection: no scenes of riot diverted the convicts from the thought of the crimes they had committed, or the ruin they had brought upon themselves."

Still referring to the nature of the separate system discipline at Philadelphia, the deputation continue:—"The humble and the penitent incurred no hazard of being compelled to transgress, even in their place of punishment. The last moments of the dying were not disturbed by ribald songs or abominable blasphemy; the vicious held no supremacy there; no assaults upon the officers, no battles among the wretched inmates were permitted to break the quiet of the prison-house; no opportunities were offered for the veteran criminal of extending the corruption of vice among the weak and the timid; no inducements were held out to the hardened to defy all control, and to set an example of disobedience."

Such are declared to be the negative advantages of *the separate system* at Philadelphia. Do they not exhibit inferentially the positive evils which existed at Auburn under a silent system discipline?

TESTIMONY OF A CONVICT.

It is the evidence of one who had himself been subjected for three years to the discipline of the Eastern Penitentiary—a man of education and some attainment, and whose case attracted the attention of the author of "American Notes," and furnished the writer with some materials for a tale on the solitary prison of Philadelphia.

It may be well to remark, that this convict, on his discharge from the Eastern Penitentiary, carried with him the esteem and respect of

every officer of the prison, on account of his uniform good conduct. Since his liberation he has published an interesting volume of poems, entitled, "Buds and Flowers of Leisure Hours;" and although the writer has noticed this case in another form, he ventures to give this testimony in the present chain of evidence.

This discharged convict, now restored to citizenship of the States, and to civil rights, testifies, that "justice to a system of prison discipline which has received the severe and just criticism of many intelligent persons, has induced him to lay before the public the result of its operations upon himself, as the best and most indisputable refutation of the condemnation it has received.

"He regards his confinement at Cherry Hill, or the Eastern Penitentiary, as the happiest event of his life. It has dissolved improper connections, remodelled his tastes, improved his mind, and, he trusts, made better his heart. He is neither morose, imbecile, dispirited, nor deranged; and whatever reformation his imprisonment may have produced, he can attribute it to the separate seclusion from evil example and worse precept which must necessarily follow the indiscriminate congregation of offenders in a place of punishment."

JUDGE PARSONS, OF PENNSYLVANIA, 1845.

Only one more testimony from abroad will be given. Judge Parsons, in a charge to the Grand Jury in Philadelphia, in 1845, strongly advocates the principle of separation. The learned judge is reported to have said:—"The question of prison discipline has for years occupied the attention of many of the most distinguished and philanthropic men in Pennsylvania.

"The great aim of these noble efforts was to adopt a system which it was thought was *best calculated to maintain the dignity of the laws, and, in the most humane manner*, endeavour to reform the criminal, and, at the same time, deter others, by a *mild but efficient* punishment, from the commission of offences.

"The system of separate confinement, with labour, which has been adopted in this state for the punishment of criminals, I believe is one of the best that has ever been devised by the genius of men. This individual opinion is expressed *after a very close observation of its effects* for the last five years, during which period I have been most of the time engaged in the administration of our criminal law,

and a very close observer of this system upon those who have been sentenced."

PENITENTIARY CONGRESS, FRANKFORT, 1846.

The important principles announced by that body upon the question of prison discipline, ought not to be passed over in the varied description of evidence in favour of the adoption of separation as an *uniform* principle in penal treatment.

The congress, comprising about eighty members, included men of all political and religious creeds; but in the subject of prison discipline all other views were merged, and there was evinced a fraternity of feeling only to be described by those privileged as being of that number. The writer will long retain the impression which he received on that occasion. Throughout the discussion, which lasted three days, there was diffused a tone of elevated benevolence on behalf of the offending portion of society; and there was but one universal concern manifested—*how most effectually* to deter from the commission of further offences, and *what* the best means for restoring to honest and industrious citizenship the victims of vice and crime. It has been observed by a leading provincial journal:—

"Almost every state in Europe had its representatives present,—professors of law—magistrates—advocates and lawyers—mayors—senators—members of legislature—inspectors of prisons—director of houses for correction—members of prison reformatory societies—presidents—judges—and members of courts of justice—professors of medicine—physicians and chaplains—counsellors of state, and privy counsellors, besides several nobles and distinguished continental statesmen.

"It is not, perhaps, saying too much to express an opinion that probably there never before assembled such a combination of men—of enlightened mind and benevolent feelings, conversant with the various machinery of prisons and penal discipline in every country in Europe—to consider the best means for the moral and physical reform of the most degraded and lost class of human beings."*

* Manchester Guardian.

During three days' deliberation,* important statements were made and information contributed by various members; and, after animated discussion, eight resolutions were passed, seven of them nearly unanimously, and the other—the fourth—by a considerable majority.

The following is a translation of the resolutions†:—

1st.—Separate, or individual imprisonment ought to be applied to prisoners BEFORE TRIAL—so as entirely to prevent all communication amongst them, or with other prisoners, except in those cases in which the committing magistrates, in accordance with the request of the prisoners themselves, think fit to allow them some communication within the limits prescribed by law.

* September, 28th, 29th, and 30th, 1846.

† 1^e *Résolution*:—L'emprisonnement séparé ou individuel doit être appliqué aux prévenus et aux accusés, de manière à ce qu'il ne puisse y avoir aucune espèce de communication soit entre eux soit avec d'autres détenus, sauf dans les cas où sur la demande des prisonniers eux-mêmes les magistrats chargés de l'instruction jugent à propos de leur permettre certains rapports dans les limites déterminées par la loi.

2^e *Résolution*:—L'emprisonnement individuel sera appliqué aux condamnés en général avec les aggravations ou les adoucissements commandés par la nature des offenses et des condamnations, l'individualité et la conduite des prisonniers de manière à ce que chaque détenu soit occupé à un travail utile, qu'il jouisse chaque jour de l'exercice en plein air, qu'il participe aux bénéfices de l'instruction religieuse, morale et scolaire et aux exercices du culte et qu'il reçoive régulièrement les visites du ministre de son culte, du directeur, du médecin et des membres des commissions de surveillance et de patronage, indépendamment des autres visites qui pourront être autorisées par les règlements.

3^e *Résolution*:—La résolution précédente s'appliquera notamment aux emprisonnements de courte durée.

4^e *Résolution*:—L'emprisonnement individuel sera également appliqué aux détentions de longue durée en le combinant avec tous les adoucissements progressifs compatibles avec le maintien du principe de la séparation.

5^e *Résolution*:—Lorsque l'état maladif du corps ou de l'esprit d'un détenu l'exigera, l'administration pourra soumettre ce détenu à tel régime qu'elle jugera convenable, et même lui accorder le soulagement d'une société continue, sans cependant que dans ce cas il puisse être réuni à d'autres détenus.

6^e *Résolution*:—Les prisons cellulaires seront construites de manière à ce que chaque prisonnier puisse assister aux exercices de son culte, voyant et entendant le ministre officiant et au étant vu, le tout sans qu'il soit porté atteinte au principe fondamental de la séparation des prisonniers entre eux.

7^e *Résolution*:—La substitution de la peine de l'emprisonnement individuel à la peine de l'emprisonnement en commun doit avoir pour effet immédiat d'abrégier la durée des détentions telle qu'elle est déterminée dans les codes existants.

2d.—Separate imprisonment shall be applied to CONVICTED PRISONERS generally, with the rigour or mitigation dictated by the crimes and sentences, and the conduct of the prisoners, in such a manner as that each prisoner *shall be employed in some useful labour; shall have the advantage of exercise in the open air daily; shall participate in the benefit of religious, moral, and scholastic instruction, and in the exercises of divine worship*; and receive regularly the visits of the minister of his denomination, of the warden, the physician, and the commissioners of surveillance and patronage, independently of other visits which may be authorised by the rules.

3d.—The preceding resolution shall be applied especially to imprisonments for short periods.

4th.—Individual imprisonment *shall be equally applicable to lengthened terms of imprisonment*, combining with them, however, all the progressive mitigations compatible with the maintenance of the principle of separation.

5th.—When the physical or mental indisposition of a prisoner shall require it, the administration shall have power to appoint him such a regimen as shall be deemed most suitable, and even to grant him the solace of constant society, but *not association with other prisoners*.

6th.—The cellular prisons shall be so constructed as to enable each prisoner to join in the exercises of his religious worship, seeing and hearing the officiating minister, and being seen by him—the *whole without infraction of the fundamental principle of separation of the prisoners from each other*.

7th.—The substitution of the punishment of separate imprisonment for that of the congregated mode, shall have the immediate effect of shortening the terms of imprisonment, as prescribed by the existing codes.

8th.—The revision of penal enactments, the organization by law of an inspection over prisons, and of commissions of surveillance, and the institution of a patronage *in favour of released convicts*, ought to be considered as an indispensable adjunct to penitentiary reform.

8e Résolution:—La révision des législations pénales, l'organisation par la loi d'une inspection des prisons et de commissions de surveillance et l'institution d'un patronage pour les condamnés libérés doivent être considérées comme le complément indispensable de la réforme pénitentiaire.

N.B. Les résolutions 1 à 3 et 5 à 8 ont été prises à l'unanimité du à peu près à l'unanimité, la résolution 4 l'a été à une très forte majorité.

Thus, it will be observed that separation, in all its integrity, is urged for universal adoption, whether for the untried or the convicted, whether in employment, at exercise, or worship, or whether under the influence of mental or physical indisposition;—no circumstance was to be allowed to interfere with the principle of *entire and absolute separation of prisoner from prisoner*.

In addition to the evidence already brought under notice, it may add some weight to the argument in favour of separation as an uniform principle, to show that it has received favourable consideration and adoption in almost every state in Europe.—France *will have** its uniform system of discipline upon the principle of separation—the emperor of Russia has commanded a prison to be erected at St. Petersburg, and at Warsaw there has been for several years a prison for the untried after the mode of individual imprisonment—the king of Prussia has acknowledged its importance by furthering the erection of several gaols; the deep and lively interest which the king of Sweden has taken in this subject is well known; whilst in Holland, Belgium, the German States, Italy, and even Spain, the great work is rapidly advancing, in the recognition of the soundness of the principle of separation.

Such is the system urged for adoption in the second proposition brought under notice—applicable, it is remarked, both to the untried† and the convicted.

The writer is fully alive to the objections which are urged to the exercise of undue severity *to the untried*, and would unite with

* The writer has been favoured with a draught copy of the measure to be submitted to the Chamber of Peers at its present sitting; but being a private document until it is brought under the notice of the Chamber, he is unable to make further reference to it than by observing, that individual imprisonment, in its integrity, is the fundamental basis to be recommended as a *government measure* for general adoption in all the penal institutions of France.

† The Magistrates of the county of Middlesex have cleansed the Metropolis from one notorious source of moral contamination and pollution.—The records of the Prison Inspectors, year after year, furnished most deplorable returns of the criminal commingling in what has been termed the New Prison, at Clerkenwell. Mr. Benjamin Rotch (in the commission for the county of Middlesex) stood foremost in his denunciations of this prison, in support of the statements of the Inspectors, and to his persevering exertions is to be attributed, in a great degree, the demolition of that prison, and the erection of a new gaol for the untried upon the principle of separation.

those who would advocate most ardently that *no undue penalties* should be imposed upon such ; but must it not have been obvious to the most casual reader even of these pages, that our present gaol system is *fraught with evils most inconceivable* to that class of characters, compelled as they are, under the systems commented upon, from the moment of their entrance into a gaol to the day of their trial, of acquittal, or conviction, to be in constant association with the most abandoned and depraved ?

Justly has the profound Livingston remarked :—" We begin by inflicting this moral punishment on one presumed, by the first principle of our law, to be innocent : we add to it the physical evil of close confinement, without any of the conveniences of life, for an unlimited period ; and when, perhaps, his morals are corrupted by the society which the justice of his country has forced him to keep, and his health is destroyed by the rigour of his imprisonment, *his innocence* is declared, and he is restored to society, either to prey upon it by his crimes, or burden it by his poverty.

" What greater moral or physical evil, it may be asked, would have been inflicted on the guilty than this which the innocent is made to suffer ?"

Upon *separation* the same writer observes :—" It is one of protection, from which the innocent have every thing to gain, and of which the guilty cannot complain, for it imposes no unnecessary restraint, and takes from them the power of corrupting and being further corrupted. The danger of guilty associations, the duty of avoiding them by a careful separation of the innocent from those who labour under a presumption of guilt—of those accused or convicted of offences implying no great degree of moral turpitude, from those who are presumed or known to be guilty of crimes which evince depravity of mind and manners—of the young from the old offenders—are considerations on which the code of prison discipline rests ; and on the code of prison discipline depends the whole system of penal law."

Will not every benevolent mind unite in the sentiments declared by the benevolent Sir G. O. Paul :—" It is the essence of legal institution, that, however strong may be the presumption, however positive the demonstration of guilt to the mind of the prosecutor, no

punishment is just till the crime is established by the forms prescribed. On this ground, therefore, and no other, have I contended, and ever shall contend, for the utmost degree of lenity to prisoners before trial which may be consistent with their safe custody."

It is in the advocacy of a *protective system* for the untried that separation is proposed, as being eminently adapted in the employment of all those agencies and influences which may be brought to bear for the preservation of the physical and mental health of the confined, and the operation of which is so ably dwelt upon by the Inspectors of Prisons in their tenth report, from which the following extract is taken :—

"The system of separation between prisoner and prisoner is admirably adapted to the condition and circumstances of the untried, and fully secures the just rights and privileges of that class of prisoners. Their feelings and necessities are consulted ; they are provided with a commodious, well lighted, and well ventilated cell, fitted with every thing necessary to supply their real wants ; they are supplied with a sufficiency of good food ; they are protected from the sight and hearing of their fellow prisoners ; they can at any time have the attendance of an officer of the prison, or of the governor, chaplain, or surgeon. They can see their friends and legal advisers ; they can, without impediment or interruption, calmly deliberate upon their defence, and take all proper means to meet the trial which awaits them. They may send or receive letters ; they may receive unobjectionable books ; they may, if they desire it, be furnished with suitable employment ; they have the privilege of attending public worship ; can take exercise daily in the open air ; may receive food, other and beyond the prison diet ; they are exempted from perplexing regulations ; they are tempted to no violation of prison discipline ; they are spared the infliction of prison penalties ; there is no one to hurt their person, provoke their temper, or corrupt their morals. They can occupy themselves in useful work, in profitable reading, and in tranquil meditation, uninterrupted, save by the visits of those who come to minister to their physical, moral, or religious wants, or to aid them with comfort or professional advice. Would the relatives or friends of any prisoner, who have a proper regard for his best interests, hesitate to prefer such a mode of confinement to any other that has been prac-

tised or devised? Between the advantages of separation, and the degradation and depravity of association, on the one hand, or the restraint, exposure, and severity of the silent system, on the other, we feel convinced that no comparison can be sustained."

That separation is suited *to the convicted*, is conclusively shown by all the testimony which has been adduced, and the writer most cordially unites in the sentiments of a trans-Atlantic reviewer when writing upon the question of prison discipline :—

"The *absolute separation of all prisoners*, so that they can neither see, hear, nor touch each other, is the pole-star of prison discipline. It is the alpha, or beginning, as the reformation of the offender is the omega, or the end. *It is this principle, when properly administered*, which irradiates with heavenly light even the dungeon, driving far away the intrusive legion of unclean thoughts, and introducing in their vacant place the purity of religion, the teachings of virtue, the solace of society, and the comfort of hope. In this spirit let us build our prisons. The jail shall no longer be a charnel house of living men; the cell shall cease to be the tomb wherein is buried what is more precious than the body—a human soul. From their iron gates let us erase that doom of despair—

LEAVE ALL HOPE BEHIND WHO ENTER HERE ;

and inscribe other words of gentleness, of encouragement, of hope."

In the preceding view which has been taken of the distinguishing evils and inconsistencies of our gaol system in its general application to the offender, with the two propositions offered, as calculated, in a high degree, to correct such evils and anomalies, it will be evident that something more is required for the purpose of extensively securing a sound and salutary system of penal treatment.

An uniform principle of discipline may be determined upon; a system may be urged for adoption which, in its very nature and tendency, is adapted to fulfil the just intentions of the law by its corrective and reformatory influence; but if, in the application of that system, there be not the employment of suitable means and agencies, is it too much to affirm that the issue will be unavailing for the end desired to be attained?

With a view, therefore, of endeavouring to meet the existing defects in the present administration and application of the discipline of our prisons, and the well known difficulties attending, to a great degree, the improvement in the alteration and construction of our penal institutions, *so as to adapt them to the purposes of employing a more salutary mode of treatment than that which at present prevails* in the United Kingdom, and on which comment has been made in these pages; it is proposed—

THAT A BOARD OF PRISON DISCIPLINE AND PRISON CONSTRUCTION BE ESTABLISHED, TO WHOM SHALL BE REFERRED ALL MATTERS AND THINGS RELATING TO PENAL TREATMENT, AND THE ALTERATION OF OLD GAOLS, AND THE CONSTRUCTION OF NEW GAOLS; SUBJECT, NEVERTHELESS, TO THE CONTROL OF THE SECRETARY OF STATE FOR THE HOME DEPARTMENT.

Simple as may appear this proposition, there are involved in it important duties and responsibilities deeply identified with the general penal treatment of the teeming population of our gaols, and combining considerations with regard to our transport system and its numerous perplexities.

Have not common usage and legislative enactment *favoured the adoption of the principle* included in this proposition? Are not *private enterprises*, in which are connected widely spread and extensive interests, regarded and protected by special boards of control and direction?

Has education its privy-council board; and will it be said that *the application* of our criminal laws, as they relate to penal treatment and general discipline, with *the adaptation* of institutions for a salutary dispensation of those laws, does not furnish sufficient claims for special and direct administration in the manner proposed?

The writer is not insensible that, in dwelling upon this branch of the subject, he may be considered as treading upon tender ground. The administration of our prison discipline has been assigned to the magistrates of the United Kingdom; extensive powers by enactment are given to them for the government of the gaols under their particular jurisdiction; and whilst it may be a matter of surprise that evils so extensive and so long continued should have

been permitted to prevail, it may be observed by some, that the system has descended to them by legislative sanction ; whilst the gaols, of which they are the accredited conservators, have, to a great extent, been erected *in conformity with the legalized discipline to be enforced* ; but it is most gratifying to know, that in many counties the attention of the magistracy has been excited to a consideration of the high importance of establishing a sound and effective system of prison discipline, in the application *of separation* as a governing principle ; nor is it intended, in the proposition now recommended for adoption, that there should be an interference with that influential body in the exercise of those important functions which relate to the particular management of the gaols assigned to their especial care.

Examples of metropolitan prison discipline, with the various deviations from legislative enactment, have already been furnished from some of the gaols in the home district, whilst every county would, more or less, supply its own peculiar mode of discipline ; all this proving, it is assumed, the importance of a combined principle, adapted, in its special powers and arrangements, as the controlling influence of our vast penal machinery ; and the necessity, also, of a concentration of attention to the cardinal branches, to which reference has been made, viz. :—prison discipline and prison construction.

Nearly ten years ago, (August, 1837,) the present noble Premier, when Secretary of State, issued an important circular to the Magistrates assembled at the Quarter Sessions of the Peace, and to the Justices of Boroughs. Lord John Russell, after referring to the anomalies of the silent system, as being “contrary to all sound notions of prison discipline,” offers the following recommendation :—

“I should therefore be anxious to see THE SYSTEM OF SEPARATION ADOPTED IN ALL NEW PRISONS, AND, AS FAR AS PRACTICABLE, IN THOSE ALREADY CONSTRUCTED. I beg further to call the attention of the magistrates to those parts of the abstract which relate to the expediency of applying SEPARATE CONFINEMENT TO THE UNTRIED, and which describe the general principles to be observed IN THE ARRANGEMENT AND CONSTRUCTION OF PRISONS UPON THAT SYSTEM.”

The last remedial proposition is, in its operation, intended to carry out the intentions of the preceding "recommendation," to remove existing inconsistencies, and to promote a similarity in prison construction, in order to the establishment of a *uniform system of prison discipline*.

What power has the Executive now of an entire control over either the alteration or the construction of our penal institutions? Let attention be given for a moment to the Aldermen of the City of London in this respect:—such were the abominations presented to the view of the Inspectors of Prisons, on their first examination of Newgate, that, in order to the introduction of an improved system of discipline in that notorious gaol, its entire demolition was considered essential; a new gaol on its site was recommended, and plans furnished for the same. The manner in which that *recommendation* has been regarded will be apparent from the evidence already adduced.

Giltspur Street Compter has long been animadverted upon, from its circumscribed site and the crowded state of the prison; and though remonstrance after remonstrance had been made, both in the Court of Aldermen, by one or two of that body who have taken an interest in the improvement of their gaols, and also by the Inspectors of Prisons, in their report presented to Parliament, a large expenditure has been made, but to *perpetuate the distinguishing evils of that gaol*.

The evils of non-control over the alteration and re-construction is not confined merely to the metropolis; in the provinces there have been, and are found, deterring examples to the introduction and carrying out of an improved system of penal treatment. Mr. F. D. Davenport, a magistrate of the county of Chester, in a letter to Sir James Graham,* after referring to the importance of separating prisoners, "and of the immense accession to the criminal list *by the present practice*" (at Knutsford), writes:—"He had not the means, even if he had the power, which he doubted, to separate the prisoners before trial; for the Inspector, Mr. Williams, had said he could not certify the fitness of the last 400† cells constructed in this costly and extensive establishment."

* The "Times," January 6th, 1846.

† There were only 100 cells.

Mr. Davenport further observes:—"Now I humbly submit, the main use of Inspectors is to report deficiencies, and point out the precise nature and remedies for them, instead of leaving his opinions and objections to be discovered by casual observers, as in the present instance."

With respect to non-certification, the inspector, Capt. Williams, was fully justified; the construction of the cells being a most palpable deviation from the approved arrangements required—there being deficient ventilation, no supply of water, nor water closets, and the want of other cellular conveniences.

By the establishment of a board, as proposed, such constructional arrangements would be under their control, and no delay would arise from want of certification of fitness, as the *adaptation* of fitness would be determined upon *previous to construction*.

One example more:—It would appear the "day-room," as has been observed, the very centre and focus of all that is demoralizing in principle and ruinous to character, *is attempted to be appended to separate system prison construction—a most positive and decided compromise* of the principle sought to be established, and to which justly marked reference is made in the last report of Inspectors for the Home District, as follows:—

"A new prison for 300 prisoners, upon the separate system, for the county of Berks, is in course of erection at Aylesbury, and is expected to be completed and occupied about August, 1846; there are, however, two particulars in the contemplated plan to which we have a decided and invincible objection; these are, the provision of day-rooms for prisoners before trial," (a class, beyond all others, it will be admitted, demanding protection from gaol association,) "and the tread-wheel for prisoners sentenced to hard labour—with reference to which we feel it our duty to offer the following remarks:—
'The first particular in which the plan of the Aylesbury prison differs from that of the Pentonville and Reading prisons is, the day-rooms are to be provided for prisoners before trial. Against this arrangement we feel it our duty strongly to protest. So long ago as the year 1835, that most important and useful Committee of the

House of Lords, appointed to inquire into the state of the several gaols and houses of correction in England and Wales, and of which the Duke of Richmond was chairman, recommended that 'the use of day-rooms, as such, should be discontinued,' stating 'that every motive of humanity, as regards the individual prisoner, and of policy, as regards the good of society in general, requires that the most efficient regulation should be established, in order to save *all prisoners, and especially the untried, from the frightful contamination resulting from unrestricted intercourse.*'"

Other examples could be given, illustrative of the difficulties which impede the promotion of suitable prison construction under, at present, established arrangements.

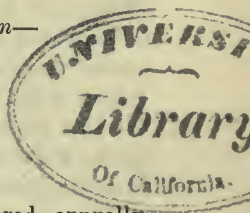
That the management of the discipline of our prisons, and a concentrated control over their alteration, is one of no trifling magnitude, will be conclusive from the circumstance that there are in England, Wales, and Ireland, of

Gaols, Bridewells, and Houses of Correction—

In England and Wales.....198

In Ireland152

Total.....350



In all these there are committed and discharged annually hundreds of thousands of persons, the victims of misery, destitution, and crime, all of them more or less partaking of the moral taint resulting from their association in these places of detention, and furnishing, it is conceived, a most powerful argument to show that their discipline, their alteration, and re-construction should be regulated by established principles for *their certain and uniform government.*

For England and Wales there are four Inspectors, who make their periodical reports to the Secretary of State for the Home Department.

For Ireland there are two Inspectors, who make their reports to the Chief Secretary for Ireland.

For Scotland there is one Inspector, who reports to the Secretary of State for the Home Department. There is also a General Board of Directors of Prisons in Scotland, who also report to the Secretary of State for the Home Department, pursuant to Acts 2 and 3 Vic. c. 42. The province of this Board has relation to the general discipline of the prisons in that country; a supervision of the receipts and expenditure in connection with its penal institutions; the building, altering, and repairing of local prisons; the management and discipline of gaols, &c.*

What is exercised in Scotland as a principle, is proposed also for adoption, *in a more extended and general view*, for the prisons in England, Wales, and Ireland; and if it be admitted that there are, through the length and breadth of our land, deep rooted and long existing evils, *no ordinary means* will be required for their eradication; and it will be evident, that if the renovation of our gaols is to be a work that shall engage future attention, its magnitude will be such as to call forth and put into exercise extraordinary and special agencies for its accomplishment.

Since the period at which attention was directed for the improved construction of our gaols, and the adoption of a more efficient system of discipline, it may be interesting to know what progress has been made in the erection of new and the alteration of old gaols for the enforcement of the SEPARATE SYSTEM of discipline, although in some of them it has not been fully carried out.

New Prisons completed and occupied, and old Prisons partly altered and occupied.

Reading,	Taunton,	Scarborough,
Usk,	Hertford,	Swansea,
Hereford County,	Durham,	Bristol,
Hereford Borough,	Nottingham,	Ely,
Shrewsbury,	Northampton County,	Lincoln,
Knutsford,	Northampton Borough,	Tiverton,
Morpeth,	Stafford,	Buckingham,
Preston,	Leicester,	Belfast, Ireland.
Worcester,	Bath,	
Walsingham,	Peterborough,	

* There are 81 gaols, &c., under the control of the Prison Board of Directors in Scotland.

Prisons in course of Construction.

Winchester, Clerkenwell, Aylesbury, Gloucester,	Springfield, Wakefield, Wisbeach, Birmingham,	Leeds, Canterbury.
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Prisons Under Consideration.

Liverpool, Berwick,	Lewes, Warwick,	Bedford, Banbury.
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Separate system gaols have also been determined upon at Manchester and Dublin, and the alteration and re-construction of other gaols in the United Kingdom are also under consideration.

Thus, it will be seen that, with regard to the great work which has to be accomplished in the improvement of our gaol construction, and also in the improvement of our prison discipline, only about 47 gaols, in England, Wales, and Ireland, out of about 350, have, to the present period, received attention ; and, in some of the gaols referred to in the lists, the constructional alterations are but very partial and incomplete.

Much might be said *as to various details* connected with the adoption and carrying out an efficient system of discipline, but the following threefold propositions only are mentioned, as lying at *the basis or foundation of an improved system of penal treatment* :—

FIRST—UNIFORMITY OF DISCIPLINE,

SECONDLY—INDIVIDUAL IMPRISONMENT, and

THIRDLY—A BOARD OF PRISON DISCIPLINE AND CONSTRUCTION.

With these, minor matters would receive, *in their proper place*, due attention, whether it be the adoption of the mark system, or any other mode of treatment which might be considered by that board best adapted for the reformation of the culprit, the prevention of crime, or the security of the community—composed, as such a board doubtless would be, of men who, from their long experience and knowledge of the essential principles of penal legislation, would be eminently qualified for their high duties.

That there are *great and extensive interests connected with* a profound and deliberate consideration of this question, and the provision of an antidote to the maladies of our prison system, will be obvious, when it is seen how multiplied, various, and extensive are *the characters and circumstances affected by the present administration of our penal system.*

The Rev. Whitworth Russell, one of the Inspectors for the Home District, in a supplement to the tenth report of Inspectors of Prisons, has furnished statistical data exhibiting the nature and extent of crime in England and Wales for five years (1839 to 1843 inclusive), which present, in a deplorable degree, the amount of crime under diversified classification during that period, and are powerfully illustrative of the operation of our gaol system, and the application of our penal laws, affecting, as they do, so numerous a portion of the offending community.

Under the head of "SUMMARY CONVICTIONS for five years," 1839 to 1843, there is the following enumeration of offences and of convictions, male and female :—

Under Game Laws.....	15,823
„ Revenue Laws	3,016
„ Bastardy Laws	620
„ the Vagrant Act.....	98,340
„ the Malicious Trespass Act	16,266
„ the Larceny Act.....	13,273
„ the Metropolitan, or Local Police Act	13,992
For Assaults	46,325
„ Want of Sureties	16,040
Reputed Thieves	24,551
All not before included	70,326
	<hr/>
or a total of.....	318,572

Let but a glance be taken of these items, and, without an extraordinary exercise of the imagination, it will be seen that, under the operation of our present gaol system, with its classification adjuncts and permitted deviations, there must have been an enormous and inconceivable amount of moral mischief imparted to these subjects of summary conviction, mingled (a very large proportion of whom

had never before been within the precincts of a prison) with the most abandoned and depraved, and carrying from their place of detention the immoral taint they had received.

It is impossible to employ language sufficiently strong and characteristic in portraying the depraving effects of the multitudinous associations which are legalized under the operation of summary convictions. 98,340 are shown as convicted under the Vagrant Act.* Reference has already been made to some of the features of a Vagrant Yard.

What were the crimes, and how disposed of, that large number, 70,326, summary convictions thus referred to—"ALL NOT BEFORE INCLUDED" under the classification and associated system?

Well may the Inspectors remark, in regard to summary convictions:—"The large numbers with which we have now to deal renders it especially incumbent upon us to act with the utmost wariness and circumspection, lest we should mingle with the corrective a moral poison, which would more powerfully tend to the depravation of the offender than would the punishment to his intimidation or amendment. When it is recollected that among such characters are to be found *the trivial offender of tender years* and yet undepraved morals; *the honest and industrious citizen*, whom a momentary impulse of passion, or violence of provocation, has betrayed into the commission of an assault; *the modest female* whom the strength of temptation or the pressure of distress has impelled to a breach of trust or a petty theft; *the young and artless*, who have become the dupes and victims of the more designing; *the unhappy culprit, guilty of a first offence*, and that, too, involving neither violence nor malevolence;—all these, and such as these, come under the category of summary convictions; and the treatment which such offenders experience *may be the crisis of their fate*—may either restore them to society, amended in morals, shielded in

*At Liverpool, the number of apprehensions under the Vagrant Act has recently been so great, and the gaol so filled, that the magistrates, instead of carrying out the intentions of the law by commitments to prison, have "deviated from legislative enactment," by sending such charges to the parochial relieving officer—a proper source, it is presumed, for providing them with relief, *instead of subjecting them to the contamination of a gaol.*

reputation, and thankful for such benefits, or may plunge them irrecoverably into vice, render them depraved companions of the profligate, and fill their minds with deep and lasting enmity against the whole community."

There is a further reference to criminal statistics for the same period already quoted, from which the following extracts are also taken :—

Proceedings at Assizes.

Persons convicted, male and female	100,803
Acquitted at the bar	24,808
No bills found	8,476
Not prosecuted	4,013

or a total of.....138,100.

These, together with the 318,572 summary convictions, comprise *nearly half a million* of committals and re-committals to our penal institutions during the five years, as previously noticed.

Some remarkable features are presented in the foregoing estimate. 24,808 *were acquitted at the bar*; there were 8,476 *against whom no bills were found*; and 4,013 *were not prosecuted*; making a total of 37,297, who had been subjected to longer or shorter periods of imprisonment, *and to all the corrupting impurities of gaol association*, without a charge proved against them, and, therefore, in the eye of the law, *guiltless*!

The urgent necessity of a *protective system* of discipline, *even for the imprisoned*, is demonstrable from the periods of associated confinement *before trial*, with the *unrestricted communication* which, it has been shown, is permitted amongst that class of persons.

Imprisoned under 14 days.....	17,059
„ 14 days and 1 month	32,706
„ 1 month and 2 months	31,291
„ 2 months and under 3 months	14,890
„ 3 months and under 6 months	4,761
„ 6 months and upwards	946

Such were the periods during which THE UNTRIED were confined in our gaols *for prison tuition*.

In the gaol returns for Ireland for six successive years, the number of acquittals greatly exceeds that of the convictions, as is shown from the following table, furnished by the Inspectors' report, 1845 :—

	1839	1840	1841	1842	1843	1844	Total
Convictions	12049	11194	9271	9874	8620	8052	59060
Acquittals...	14348	12639	11525	11312	11506	11406	72736

Out of a total of 131,796 *commitments* to the various gaols in Ireland there were 72,736 ACQUITTALS.

It will be unnecessary to enlarge upon the baneful influence of gaol association upon the acquitted, under the different characteristics of—not guilty—no bills found—no prosecutor;—all these were, for different periods, for weeks and for months, grouped together with every description of criminal character.

The 72,736 of acquittals bear a proportion of 55 per cent. upon the entire amount of committals at assizes and quarter sessions for six years.

In England and Wales, for five years, the convictions at assizes were 100,803, acquittals 37,297, or in the proportion of about 37 per cent., or 18 per cent. less than the return for Ireland.

It is not intended to draw any inference from this result as to the nature of judicial administration, nor as to the causes of the disparity between the proportionate numbers of acquittals in England and Wales and those in Ireland, but to mark the certain effect of our gaol system upon a large number of individuals, against whom *no crime had been proved*, and upon whom, by their prison association, a deeply social and relative evil must have been inflicted.

Can there be any member of a family who has been confined in a gaol but must have received, and must also have communicated, upon discharge, the contamination of prison contact?

In reference to the amount of committals and re-committals under summary convictions, with the proceedings at sessions and assizes, in England and Wales, for five years, it is most deplorable to perceive the large proportion of FIRST TIME CONVICTIONS compared with the total number:—

Committals and Re-committals.

Summary convictions.....	318,572
Proceedings at assizes and sessions.....	138,100
Total.....	<u>456,672</u>

Deduct Re-committals.

Proceedings at assizes and sessions, as well as under summary convictions	101,310
	<u>355,362</u>

THREE HUNDRED AND FIFTY-FIVE THOUSAND THREE HUNDRED AND SIXTY-TWO PERSONS! who were FOR THE FIRST TIME subjected to the discipline of our gaol system, with all its declared evils!

It is bewildering to the mind and lacerating to the feelings to contemplate the appalling mass of wretchedness and destitution included in that vast numeral: thousands of miserable, unemployed outcasts have contributed to form its aggregate. The writer is well aware that there are large numbers denominated “the vagrant tramp” to whom occasional visits to a penal house, with regularity of diet, and protection from a chilling atmosphere, are more agreeable than even liberty itself.

From the hasty attention which has been given to the question in these pages, it is not too much to assume, that there is a most serious injury inflicted, both on the offender and on the offended, by the application of our laws—the very nature of the laws themselves *frustrating their own intentions by their own defects.*

This is most lamentably felt in our penal jurisprudence: the judge is perplexed in his administration of the law; the prosecutor hesitates to give evidence; the jury is unwilling to convict;—

and all this arises from the knowledge that the application of our laws, *instead of correcting the delinquent by consigning him to a gaol, renders him more hardened and abandoned*; and that society, instead of being more protected, *is made the more certain prey of subsequent depredation*.

The writer is unable, from the tables furnished in the official document quoted from, to give the exact proportionate number of JUVENILE OFFENDERS; they have, however, averaged about 14,000 annually; and it cannot be other than a matter of most earnest solicitude to those who feel interested in the renovation of our gaol system, that some extensive and efficient mode of treatment may be adopted in relation to such delinquents—that refuges and asylums may be provided, adapted to the character and circumstance of the thousands of the destitute, the neglected, and the outcast, who now tenant our gaols, and receive therein every impulse to quicken them in a career of infamy and crime.

“He came into your prison a misdemeanor: he is sent from its walls a criminal—wasted in strength, polluted in principles, and ruined in character. All respectable men reject him, because they know that to have been in your prison is to have been corrupted. He is compelled by the cravings of nature to take refuge amongst the hordes of thieves; they receive him with open arms, supply his immediate necessities, and advance him money on account, to be repaid by the product of his future depredations. They laugh away his scruples, if the society in which you had placed him had left him any, and soon furnish him with an opportunity of displaying his gratitude, his courage, and his proficiency. His is then a rapid career; he soon knows every haunt of vice, and is known by the fraternity of thieves as a willing labourer in any branch of their calling; his face grows familiar to the officers of justice; he has soon passed through half the prisons in the metropolis; till at length he stands at the bar, convicted of some act of desperate enormity; the dreadful sentence of the law is passed upon him, and all hopes of mercy are forbidden. The judge, the magistrate, the spectators are shocked at such an instance of youthful depravity, while their hearts whisper, “Thank God, I am not as this robber.” But, if he who sows the seed contributes to the production of the harvest, they may find other subjects of astonishment than his guilt, *and accom-*

plices where they least expect them! Let them look to the cause, and they will discover, in this monster of crime, a wretched, pitiable victim of the careless indifference of the public. I do not hesitate to say his blood is upon us all; upon the magistrates, who do not provide suitable places of confinement; upon us, the public at large;—for, if we did but feel a lively desire to avert and to prevent these terrible scenes of villany and vice—if a general feeling were excited and loudly expressed throughout the country, our prisons might be made schools of reformation.”

Such was the unmeasured language of Mr. Fowell Buxton in his reference to City gaols; and may not the same sentiments be now expressed as referable, *in an extensive degree*, to our prevailing system of penal treatment. Mr. Rushton, stipendiary magistrate of Liverpool, *in a late publication*, decidedly confirms this view. With regard to juvenile offenders, he says:—

“Born for the most part in misery from infancy, destitute alike of moral instruction and physical comforts, often stimulated to crime by sheer want—often instructed to perpetrate offences by their parents or connections, compelled to endure hunger or to steal—what chance has a child under such circumstances to be honest? This is not all;—a child so neglected becomes a thief—is detected, and cast into prison; he then escapes from the constraint of a bad parent and wicked companions, and he passes into the custody of the officers of justice; he is brought into a court, the forms of the law are complied with, and whilst the infant offender is gazing with wonder at the strange scene, an offence is proved against him, and the justice sends him to prison. Amidst a crowd of the profligate and criminal of all ages, the poor child is transferred to a gaol, either under a summary conviction, or to await his trial amidst a mass of wickedness and depravity which virtuous and educated people shudder to contemplate.”

This is truly no over-wrought picture to work upon the imagination—it may be said to be *of every day occurrence*; the judge condemns, the spectators wonder and are appalled, the culprit-child is hurried away to gaol, is there placed amidst a mass of hardened transgressors but to be initiated in crime, and thus, lost to the public, pursues a career of infamy, and ends his days either ignominiously, or in wretchedness, an outcast in a penal settlement.

The injurious nature of our criminal laws, *in their application* to the youthful delinquent, is, with much force, commented upon by G. Warry, Esq., in a letter to the Secretary to the Criminal Law Commission, as published in the appendix to the third (in 1836) report from the Commissioners on Criminal Law :—

“The punishment of juvenile offenders, in particular, is of such vital importance to the best interests of society, that I believe there is now but one opinion as to the propriety and necessity of some legislative provision for it. In offering to the Commissioners my sentiments on these several points, I will first address myself to that of the punishment of juvenile offenders.

“It is a very great defect in the legislative policy of this country that no distinction is recognised between the first offence of a youthful depredator and that of an experienced thief. If the former, urged by sudden strong temptation, steals my property to gratify his appetite, the law awards the same punishment, and by the same process too, as in the case of the older trespasser who steals for profit. This is a most vicious system, because it is unjust in its award of punishment, unreasonable in operation, and baneful in its effect. True it is, with regard to the measure of punishment, a discretion in apportioning it rests with the court by which it is decreed ; but it must be remembered that, in most cases, part of the punishment has been undergone before the offender appears in court. The committing magistrate reluctantly inflicts it, when he sends the young offender to gaol for trial ; here he remains for many weeks, imbibing corruption from his association with worthless characters ; and the slight punishment with which, in mercy for his age, the court visits his offence, too frequently, I fear, tends to lower his estimate of the terrors of offended justice. When one considers the extensive machinery that is set in motion to deal with the number of trifling cases which are constantly brought before our criminal courts, the time that intervenes between the offence and the punishment, and the great expense and inconvenience resulting to the public therefrom, it does appear to me that a more summary and beneficial course of proceeding may be devised. The present system may be compared to the economy which works a steam-engine to crush a fly. A too common use of the processes of our criminal courts tends much to a prostitution of the dignity of the law. What benefit does society derive from it ? The juvenile offender comes out of gaol much

worse in character than when he entered it, and his suffering there has not the merit of an example apparent to his companions at home to prevent their offending. With respect, therefore, to the trifling offences of juvenile offenders, and their punishment, I have no hesitation in expressing a strong and decided opinion on the defect of our criminal jurisprudence."

It will be clear, from the foregoing view of the subject, that it is not a question of *mere feeling*, or for the exercise of pity. Important fundamental principles are involved; there has been a due concern with the community to regard *its own protection*, and with the legislature, to sanction that protection by its enactments; but, whilst there has been an attempt to extend justice to the offended in the infliction of punishment on the offender, has there not been injustice and inhumanity *in that very infliction*?

No one will regard with firmer tenacity than the writer, the high attributes of the law, and the necessity for its proper application, with every respect to its judicial administration; nor will the power of the State be questioned to place in safe custody those who render themselves obnoxious to the law and to society; yet it is insisted upon that the State, in its attempted application of a corrective to the offender, *has no right to render that offender more depraved and more dangerous* to society; thus inflicting a double evil—an evil upon that community which it is bound to protect, and upon the culprit whom it has to punish; whilst it is equally the duty of the State, as it has been properly remarked by Lieber, "to remove everything that will, *or possibly may make the offender worse*."

There needs no hesitancy in asserting, that, from the constitution of many of our *penal laws, and their application* as connected with our *gaol system*, no other result can be expected, *until a suitable remedy to these evils be applied*.

It is an admitted axiom, that ignorance is one of the primary causes of crime, and the advocates for popular instruction may be supplied with a most powerful argument in favour of a sound and comprehensive scheme of education, from the vast amount of ignorance found in our gaols; data for which may be seen in that

important document, the supplement to the tenth report of the Inspectors of Prisons, from which extracts have already been made.

The Rev. Whitworth Russell has furnished a statement of the result of inquiry upon this question, with regard to prisoners in England and Wales, "on the annual mean of the five years, 1839 to 1843;" and the following table is given to illustrate the various degrees of education amongst two classes of commitments :—

" Assizes and Sessions.

Prisoners who can neither read nor write	9530	or	34·9	per cent.
Who can read only.....	6329	or	22·5	„
Who can read or write badly	9598	or	34·3	„
			<hr/>	
			90·7	
Who can read and write well	2629	or	9·0	per cent.

Summary Convictions.

Prisoners who can neither read nor write	26,924	or	38·1	per cent.
Who can read only	13,932	or	20·6	„
Who can read and write badly.....	22,278	or	33·2	„
			<hr/>	
			91·9	
Who can read and write well.....	2657	or	4·0	per cent.

"Hence it appears that, out of the entire body of the prisoners at assizes and sessions, 90·7 per cent. had received little or no instruction, and only 9·0 per cent. could read and write well; and of the prisoners confined under summary convictions, 91·9 per cent. had received little or no instruction, and only 4·0 per cent. could read and write well. No statement can be stronger as to the state of ignorance amongst criminals, even as regards the most elementary instruction. It may be considered as a point almost universally conceded, that to the want of moral and religious training, combined with proper intellectual and physical culture (all of which are included in a just notion of education), we must ascribe the criminal courses to which numerous juvenile delinquents are addicted. These young offenders are, to a great extent, either orphans, or bereft by death of either father or mother, or too often deprived, by a subsequent marriage of the surviving parent, of the comfort and protection of home;

or they are the illegitimate offspring of depraved and abandoned characters—they are thrown upon the world, all equally friendless and deserted.

“Such are the unhappy children *who infest our streets and throng our gaols. And to what other results can their neglected condition be expected to lead?* Deprived of parents, or deserted by them, brought up in ignorance, destitute of principles, incessantly exposed to temptation, these poor children inevitably strike into the only path which appears open to them, and yield to the force which impels them to crime.”

These melancholy facts are related by the rev. gentleman, as to the causes and extent of ignorance found in our penal establishments, with the lamentably distinguishing characteristics of the present prevailing gaol system and its baneful operation; and whilst there appears such a destitution of education amongst the subjects of penal law referred to under the two classes brought under notice, *tuition of the most depraving and ruinous character* has been permitted to be carried on in connection with the existing mode of penal treatment; that with great truth might there be inscribed over the portal of every gaol where criminals are allowed to *associate*—

A NATIONAL SCHOOL FOR EDUCATION IN CRIME!

“We need a system,” as it is observed by Livingston, “consisting of a series of institutions, founded on the same principle of uniformity, directed to the same end. Nowhere is criminal jurisprudence treated as a science. What goes by that name consists of a collection of dissimilar, sometimes conflicting expedients to punish different offences, as they happen to prevail;—of experiments, directed by no principle, to try the effect of different penalties;—of permanent laws to repress temporary evils;—of discretionary power, sometimes, with the blindest confidence, vested in the judge, and at others, with the most criminal negligence, given to an officer of executive justice.”

“All these and other incongruities would cease were the lawgiver to form correct principles—enounce them for his own guidance and that of his successors, and, with these constantly before him, arrange his system of criminal jurisprudence into its natural divisions,—by providing for the poor—employing the idle—educating the ignorant—defining offences, and designating their corresponding punish-

ment—regulating the mode of procedure for preventing crimes and prosecuting offenders—and giving precise rules for the government and discipline of prisons.”

When these enlightened views guide in the administration of criminal jurisprudence, and in the application of penal law, existing inconsistencies will cease to prevail in our penal institutions, and the corrupting tendency of their present discipline will yield to influences benign, corrective, and reformatory.

The untried prisoner will be protected from debasing and depraving gaol associates.

The juvenile delinquent will be preserved from corrupting contact with the old and hardened offender.

The confirmed in moral turpitude will be prevented from diffusing his pernicious habits amongst his prison associates.

These benefits will be obtained upon principles, and in the employment of means that shall be in perfect harmony with the purpose desired, and combine the essential characteristics of a sound system of penal treatment—repression and reclamation; it being an indispensable constituent in prison discipline “to turn,” as Lieber observes, “the punishment *to the greatest advantage to society*, for the prevention of crime, and the salutary benefit of the offender.”

There should be, it will be admitted, in a proper application of punishment, *the least amount* of penal infliction by which the *largest amount* of moral benefit may be secured.

“Let it but be considered,” as it has been remarked, “that convicts are men, the most depraved and degraded are men; their minds are moved by the same springs that give activity to those of others; they avoid pain with the same care, and pursue pleasure with the same avidity, that actuate their fellow mortals. It is *the false direction* only of these great motives which they prompt; to turn them into a course that will promote the true happiness of the individual, by making him cease to injure that of society, *should be the great object of penal jurisprudence.*”

To advance *such an object* is worthy of the highest intellect, and the most expansive philanthropy and benevolence.

It will not be doubted that our penal system calls loudly for an extensive and immediate reform, and it cannot be questioned that of the system at present in operation, it may be affirmed—

FIRST—IT FRUSTRATES THE VERY INTENTIONS OF THE LAW ;

SECONDLY—IT INCREASES, INSTEAD OF PREVENTS CRIME ;

THIRDLY—IT HARDENS, INSTEAD OF REFORMS THE OFFENDER ;

FOURTHLY—IT IS INJURIOUS, INSTEAD OF PROTECTIVE TO SOCIETY ;

and is, in its very application and operation, to its extent, subversive of the well-being of the community.

Whatever social questions may press upon the legislature for priority of claim, *there is none which in nature and degree can demand more instant attention than this, for every delay but increases in magnitude the moral stain upon our country, and adds to the solemn accountability of those who are responsible for the continuance of our present gaol system.*

POSTSCRIPT.

GILTSPUR STREET COMPTER.

It is satisfactory to observe in any degree the indications of a movement in the right direction in the cause of penal reform, and not, least of all, with reference to any expectation of amendment in the City of London.

It appears that at length the Gaol Committee of Aldermen have determined upon building a new House of Correction within five miles of the city. That it is absolutely requisite *there should be no delay* in the erection of a new prison will be admitted, when it is known that at the present period nearly 300 prisoners are crowded together in a gaol only capable of confining about 150, and that, in the night-rooms, many of them are compelled to lie side by side on the floor of the gaol.

The writer had an opportunity of inspecting this prison with one of the city magistrates, who has, from time to time, strenuously deprecated the laxity of discipline permitted therein; and there will be found in the magistrates' books of October last the sentiments of Mr. Alderman Sidney, who has written in the following terms upon the association of prisoners sanctioned in this gaol:—

“In conformity with my duty as visiting justice for the month, I have this day visited the prison, and deeply regret to be compelled again to record my opinion of its total unfitness as a House of Correction, or its adaption to carry out any discipline tending to the moral improvement of the offender: I cannot but express my deep astonishment that another year should have elapsed—its evils so fully made known and admitted, and yet remain unredressed.

“The prison is much too small for Classification; and, if it is true that ‘evil communications corrupt,’ there can be no doubt that this prison is in reality a nursery for crime, and a *house of contamination*.

"I entered the Felons' Yard on the announcement of dinner. I here found congregated together, perambulating the yard in promiscuous conversation, upwards of 100 prisoners of all ages.

"On the female side, I find a diminution of prisoners in the House of Correction, but an inconvenient number in the Compter. There are here 29 women, who have been summarily convicted by the magistrates, or detained for want of bail, *and among them some of the very worst characters, all promiscuously confined together.* The conduct of these women is frequently *very outrageous*—setting at defiance the authority of the matron and her assistants, who are obliged to have recourse to *the male turnkeys to restrain them.*

"I find the number of commitments to this prison for the last seven years amounts to 28,946, or, on an average, upwards of 4,000 annually, the chief portion of whom, upon their release to society, have no opportunity of obtaining the least hope of employment—in fact, can it be wondered at that, from such a place of contamination, no person is found of sufficient temerity to employ them; the door of hope is, therefore, effectually closed against this unfortunate class of persons, who return to society to disseminate new crimes—not alone in the Metropolis, but throughout the kingdom. Surely the consideration of so frightful a subject demands an immediate remedy at the hands of the magistracy of this city."

In the late discussions* of the Court of Aldermen, no allusion whatever is made as to *the system of discipline to be adopted* in the proposed new gaol.

The examples given of the fearful evils perpetuated in the City Prisons, by the unrestricted intercourse which has been permitted for so lengthened a period amongst the prisoners confined in the city institutions, will, it is presumed, be *quite sufficient* to deter from the attempt to establish a system in which criminals will be allowed to *associate in any way* in constant companionship.

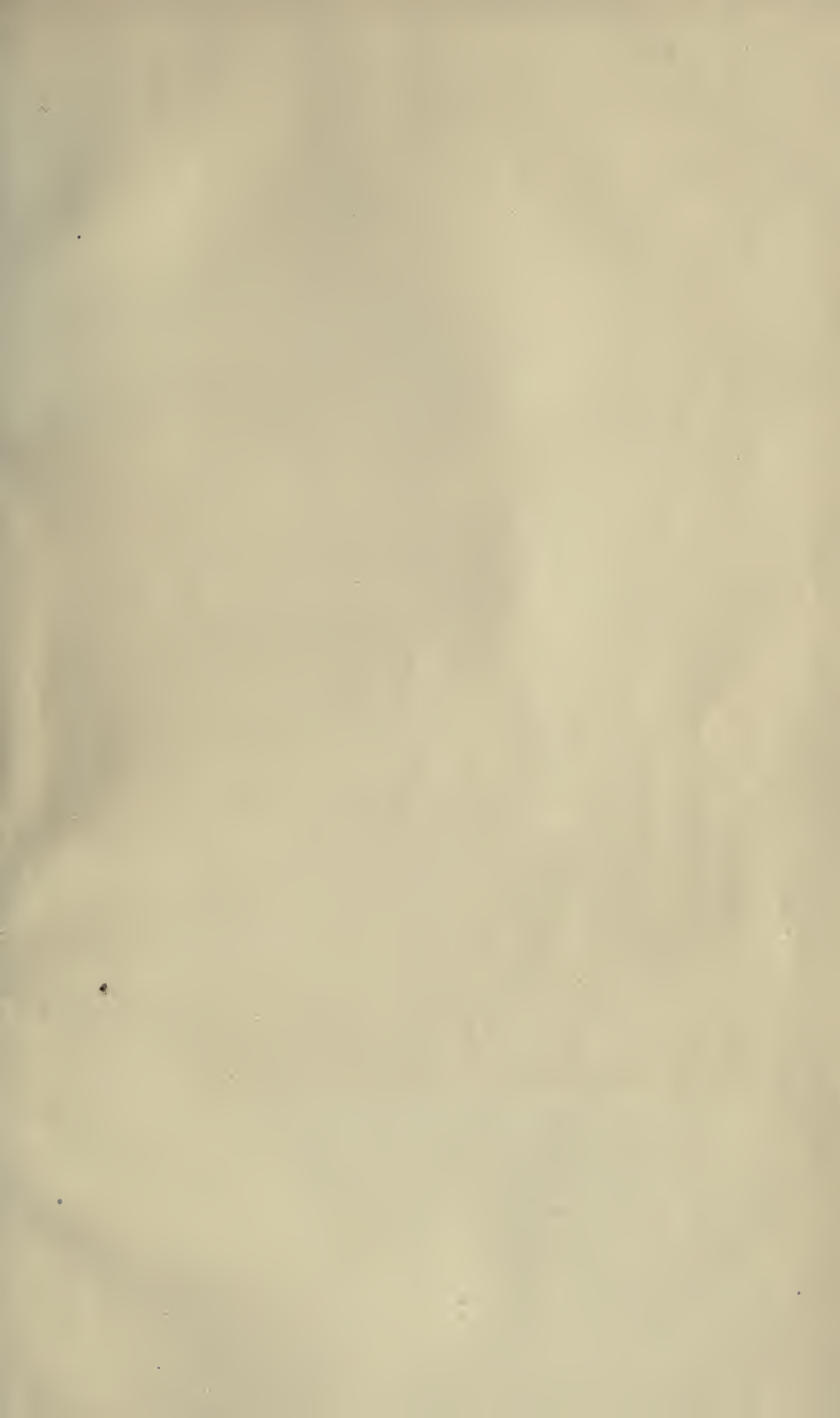
The classification of criminals *under any modified system*, in connection with that mode of discipline, and with opportunities for deviation "according to circumstance and exigency," will not, it is

* "The Times," February 10th, 1847.

believed, at the present time, receive a moment's favourable consideration, nor will such Houses of Correction as Clerkenwell Prison and Westminster Prison furnish models for imitation, either for construction or discipline.

There will be no difficulty in coming to an alternative as to what system should be adopted in the proposed new City Gaol, and that the Secretary of State for the Home Department will interpose his authority against the perpetuation of any system of association of criminals which has been found to be so pregnant with direful consequences.

What will the city authorities do with crowded Newgate—is *its* pernicious system of imprisonment to continue?



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